

San Francisco Bay Conservation and Development Commission

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State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

March 15, 2024

TO: Enforcement Committee Members

FROM: Lawrence J. Goldzband, Executive Director, (415/352-3653; larry.goldzband@bcdc.ca.gov)
Adrienne Klein, Principal Enforcement Analyst (415/352-3609 adrienne.klein@bcdc.ca.gov)

SUBJECT: Executive Director’s Recommended Enforcement Decision and Proposed Settlement Agreement, BCDC Enforcement Case ER2015.024.00, City of San Rafael (“Respondent”)
(For Committee consideration on March 27, 2024)

Summary

This Recommended Enforcement Decision includes issuing a proposed Settlement Agreement in which the City of San Rafael (a.k.a., Respondent) agrees to re-open a permanent public restroom that is a BCDC Permit 1978.028.05-required public access amenity at Starkweather Park, San Rafael, Marin County, by May 10, 2024, and to pay \$30,000 in administrative civil liability; unless the restroom is open, the drinking fountain/water bottle filling station is functional and available, and the temporary toilet is removed and the landscaping where the temporary toilet stood is restored by April 27, 2024, in which case the administrative civil liability shall be \$15,000. In either case, the penalty is due by May 10, 2024 (RED Exhibit A). The Executive Director recommends that the Enforcement Committee adopt this Recommended Enforcement Decision as its own recommendation to the full Commission to resolve this case upon execution of the proposed settlement agreement.

Background and Settlement Agreement Terms

BCDC Permit 1978.028.05 authorizes a portion of two commercial buildings and fill placement for paved roads and parking in the Commission’s 100-foot shoreline band jurisdiction. Special Condition II.B.4, “Maintenance,” requires the Respondent to maintain a permanent public restroom. (RED Exhibit C - VR&C Exhibits 4, 5, 6, 9)

The commercial facility has been in use since at least 1987. The public restroom was constructed pursuant to approved plans, and was opened to the public on September 26, 1985. Sometime shortly after March 27, 1986, Respondent closed the public restroom, and it has remained closed since that time. (RED Exhibit C - VR&C Exhibits 7, 8, 10)

In 2015, BCDC learned of the restroom closure when Respondent submitted a permit amendment request to remove the public restroom requirement from the permit altogether. In response, BCDC opened Enforcement Case ER2015.024.00 and notified Respondent that the closed restroom



was a permit violation. To date, Respondent has failed to open the public restroom. (RED Exhibit C - VR&C Exhibit 10.5)

During a telephone conversation on January 22, 2024, City staff informed BCDC staff that:

1. PG&E had informed the City that it would not turn on the electric power service to the restroom building until the City presented PG&E with an easement from the owner of Parcel 009-161-55, on which PG&E had installed the power conduit to supply electrical service to the restroom; and
2. To resolve this matter, the City would schedule a meeting with the owner of Parcel 009-161-55 in hopes of negotiating an easement. (RED Exhibit B.1)

On January 29, 2024, City staff stated that the restroom reconstruction has occurred and that it occurred in a manner consistent with the approved plans. (RED Exhibits B.1, B.2, and B.3)

On January 30, 2024, BCDC issued a Violation Report and Complaint for Administrative Civil Penalties to Respondent (RED Exhibit C).

During a telephone conversation on February 29, 2024, City staff informed BCDC staff that:

1. The owner of Parcel 009-161-55 had agreed to enter into an easement with the City and that PG&E had agreed to accept a letter from the owner, pending the easement completion process, to enable PG&E to turn on the power to the restroom;
2. They had obtained a letter from the owner of Parcel 009-161-55 and submitted it to PG&E who, based on the assurance the letter provided that an easement would be forthcoming, had scheduled an April 10, 2024, site visit to turn on the power to the restroom;
3. It may take more than one day to effectuate power to the restroom and that they plan to contact PG&E to better understand the timeline starting on April 10, 2024; and
4. They have retained legal counsel who wish to meet with BCDC staff.
(RED Exhibit B.1)

On March 4, 2024, counsel for the City of San Rafael and BCDC held a confidential settlement negotiation that resulted in an agreement to settle this matter as follows:

1. Respondent shall, no later than May 10, 2024, open the restroom to the public and submit photographic evidence and a BCDC Notice of Completion that confirms the restrooms have been refurbished consistent with the submitted plans and is open to the public.
2. Respondent will pay San Francisco Bay Conservation and Development Commission \$30,000, unless the city demonstrates that it has made available for use by the public the permanent restroom facilities and water fountain/water bottle filling station attached thereto by April 27, 2024, restored the site by removing the temporary toilet and handwashing station immediately north of the permanent restroom structure and restoring the landscaping behind the restroom by May 6, 2024. In that event the settlement agreement would authorize the Executive Director to accept a payment in the reduced total sum \$15,000 not later than May 10, 2024. (RED Exhibit A)

Execution of the proposed settlement agreement will resolve Enforcement Case ER2015.024.00.

Admitted and Uncontested Essential Allegations

The City of San Rafael opted to not submit a statement of defense. In lieu of a statement of defense, Respondent agrees to execute the proposed settlement agreement. (RED Exhibit A)

Unresolved Issues

There are no unresolved issues.

Previous Enforcement Actions

No prior enforcement actions have been taken in this matter.

Recommendation

The Executive Director recommends that the Enforcement Committee adopt this Recommended Enforcement Decision and recommend that the full Commission adopt the proposed Settlement Agreement to resolve Enforcement Case ER0215.024.00.

Settlement Agreement

A settlement agreement consistent with this recommendation is attached to this recommended enforcement decision as "RED Exhibit A". It will go into effect upon execution by the Parties, pending approval by the Commission after a public hearing and vote.

Attachments: **RED Exhibit A:** Proposed Settlement Agreement
RED Exhibit B.1: Telephone notes between January 16 and February 29, 2024
RED Exhibit B.2: Permanent public restroom plans, dated September 25, 2019
RED Exhibit B.3: Emails documenting BCDC approval of restroom plans between August 2 and October 18, 2019 (resubmitted to BCDC on January 29, 2024)
RED Exhibit C: Violation Report and Complaint for Administrative Civil Penalties (VR & C) with exhibits, dated January 30, 2024

Enforcement Committee Recommendation to the Full Commission:

Please check one of the three boxes indicating your decision, then sign and return the memorandum to BCDC Staff:

By a vote of ___ yeses, ___ noes, and ___ abstentions, the Enforcement Committee adopts the Executive Director's Recommended Enforcement Decision as its recommendation to the full Commission.

By a vote of ___ yeses, ___ noes, and ___ abstentions, the Enforcement Committee conditionally adopts the Executive Director's Recommended Enforcement Decision as its recommendation to the full Commission as specified in the attached memorandum.

By a vote of ___ yeses, ___ noes, and ___ abstentions, the Enforcement Committee declines to adopt the Executive Director's Recommended Enforcement Decision and recommends that the full Commission decline to adopt the proposed settlement agreement for the reasons specified in the attached memorandum.

MARIE GILMORE, Chair

Enforcement Committee

San Francisco Bay Conservation and Development Commission

Date

RED Exhibit A

SETTLEMENT AGREEMENT

This Settlement Agreement (this "Agreement") is entered into as of _____, by and between the San Francisco Bay Conservation and Development Commission and the City of San Rafael. Collectively, San Francisco Bay Conservation and Development Commission ("BCDC") and City of San Rafael ("the City") shall be referred to as the "Parties".

BACKGROUND

WHEREAS, in or around 1986, the City closed to the public a permanent restroom at Starkweather Park, San Rafael, Marin County, without notice to BCDC in violation of the terms and conditions of BCDC Permit 1978.028, as amended.

WHEREAS, BCDC staff became aware of the permit violation in 2015 and directed the City to restore the public's access to the restroom as contemplated by BCDC Permit 1978.028, as amended.

WHEREAS, between 2015 and 2024, to-date, the City has failed to resolve the permit violation.

FACTUAL BACKGROUND

On June 13, 1979, BCDC issued Permit 1978.028.00 to Roots Construction Company, Inc. to authorize fill placement for paved roads and parking for an adjacent commercial use. In addition to the originally required public access, a public restroom requirement was added, among other new public access improvements, to Amendment No. Two (Permit 1978.028.02), which otherwise authorized a portion of two commercial buildings in the shoreline band.

The permit was most recently amended on May 5, 2017, (Amendment No. Five, Permit 178.028.05). At this time, the City of San Rafael was added as a co-permittee along with Roots Construction.

Special Condition II.B.3, Public Access Improvements, required the original permittee to provide a public restroom that shall be open to the public prior to the use of any commercial facility, which commercial facility has been in use since at least 1987. This requirement was met.

Special Condition II.B.4, Maintenance, requires the permittee to permanently maintain the required public access improvements. It provides in relevant part that the original permittee may transfer maintenance responsibility to a public agency (i.e. the City of San Rafael) to be bound by all conditions of this amended permit.

On April 18, 1980, the original permit was recorded in the Official Records of Marin County as Instrument No. 15417 (Book 3704, Page 528).

On March 3, 1983, the owners of the property in question, Joe and Haidy Shekou, granted Parcels One and Two to the City of San Rafael, which include the shoreline areas of the project site subject to the public access provisions of the permit.

RED Exhibit A

On May 16, 1983, the City of San Rafael accepted the grant deed conveyance of a shoreline band and an easement for public access purposes in the Bay Park subdivision, as executed by Joe and Haidy Shekou on March 3, 1983.

On July 29, 1984, BCDC staff approved public access plans associated with permit Amendment No. Two, including for the public restroom.

On December 2, 1985, Joe Shekou signed and submitted a Notice of Completion stating the work authorized by Permit 1978.028.03 had been completed on September 26, 1985.

On March 27, 1986, BCDC approved a partial assignment adding the City of San Rafael as a co-permittee in addition to original permittee Roots Construction Company, Inc. In the letter approving the partial assignment, BCDC staff states that its records and a site inspection indicate that the City is in full compliance with the terms and conditions of its permit.

Sometime after March 27, 1986, the City closed the public restroom, and it has remained closed for approximately 37 years since that time.

On July 20, 2015, the City submitted a request to amend its permit to remove the public restroom.

On October 19, 2015, BCDC staff opened Enforcement Case ER2015.024.00 due to the closed public restroom and other violations of Special Conditions II.B.3 and II.B.4 regarding public access improvements and maintenance of the public access improvements required by BCDC Permit M1978.028.05.

On November 21, 2016, BCDC staff Matthew Trujillo issued a notice of five violations to the City of San Rafael Public Works Department for, among others, a violation involving the failure to maintain the permanent public restroom as required by BCDC Permit 1978.028.03, Special Condition II.B.4. This letter commenced accrual of standardized administrative fines. By April 2017, Respondent had resolved four of the five violations without accruing standardized administrative fines.

On December 22, 2016, the City of San Rafael installed a portable restroom and handwashing station north of the permanent restroom.

By letter dated January 19, 2017, Mr. Trujillo issued a letter to Kevin McGowan, Assistant Public Works Director/City Engineer, stating that with the installation of the portable restroom and handwashing station, staff had determined that the restroom violation to be provisionally resolved, temporarily halting standardized fine accrual, through no later than June 30, 2017, the permanent restroom was to be open to the public or standardized fines would recommence accruing.

RED Exhibit A

By letter dated July 28, 2017, Mr. Trujillo issued a letter to Bill Guerin, Director of Public Works, stating, in relevant part, that as the restroom remained closed, that the provisional resolved status of the case was being rescinded and that the standardized fines had accrued to \$18,400 and would continue to accrue at a rate of \$100/day for each day that the violation remained unresolved to the administrative maximum of \$30,000. Mr. Trujillo informed the City that if its request to eliminate the restroom was not approved by the Commission, BCDC staff may commence a formal enforcement proceeding.

Shortly before January 17, 2018, the City of San Rafael withdrew its request to amend its permit to remove the public restroom request and informed BCDC staff that it would provide the public with a restroom but that it was deciding whether to refurbish the existing restroom or to construct a new restroom, such as a vault toilet.

On April 16, 2018, the City of San Rafael issued a Request for Proposal (RFP) for Engineering Design Services for the Jean and John Starkweather Shoreline Park Bathroom Upgrade to upgrade the permanent restroom required to be provided and maintained by Special Conditions II.B.3 and II.B.4 of the permit.

By letter dated June 28, 2018, Mr. Wong, on behalf of the City, submitted a letter to BCDC staff stating that it intended to construct a single occupancy ADA compliant vault style restroom with a 1,000-gallon concrete waste vault to be regularly serviced. To its letter, the City attached: 1. Photos of a similar restroom at another location along the SF Bay shoreline, 2. CXT Cascadian Vault Restroom Specifications, and 3. CXT Cascadian Vault Restroom Elevations and Floor Plans. This plan was later superseded by new plans as further described.

By letter dated August 15, 2018, Mr. Trujillo informed Mr. Wong that BCDC was generally in favor of the City's proposal but directed the City to revise its proposal so that the vault toilet would provide the same or better public benefit as the existing, plumbed and approved restroom required by Special Condition II.B.3 of the permit. Mr. Trujillo reminded the City that the approved plans require two restrooms, each equipped with a plumbed toilet and handwashing basin whereas the current proposal is for a single, unplumbed, ADA-compliant vault toilet with no handwashing basin. Mr. Trujillo stated, therefore, that the City's proposal would need to be modified to provide additional amenities to offset the reduction in the number of toilets and basins.

On August 2, 2019, the City submitted revised restroom plans, dated June 19, 2019, to construct a single, plumbed ADA restroom with handwash basin in the existing building with exterior lighting and a dual level ADA drinking fountain.

Between May 21, 2019, and June 24, 2020, Mr. Trujillo checked in with the City about the status of work needed to render the plumbed restroom functional so that the City could open it to the public.

RED Exhibit A

On October 18, 2019, the City submitted stamped restroom plans, dated September 25, 2019, to construct a single, plumbed ADA restroom with handwash basin in the existing building with exterior lighting and a dual level ADA drinking fountain.

On December 2, 2019, BCDC staff conditionally approved revised City's restroom reconstruction plans to construct a single, plumbed ADA restroom with handwash basin in the existing building with exterior lighting and a dual level ADA drinking fountain.

On November 24, 2020, BCDC Analyst John Creech, notified the City that he was the BCDC point of contact for ongoing condition compliance with respect to Special Condition II.B.4 of the permit. He began an almost monthly check in with the City to request progress on the restroom reconstruction and re-opening project.

In response to a prompt from BCDC Analyst John Creech, on January 21, 2021, City of San Rafael Analyst Tom Wong stated that construction on the restroom had commenced.

In response to a prompt from Mr. Creech, on February 16, 2021, the City of San Rafael Senior Project Manager Fabiola Guillen stated that the project was still under construction, that unforeseen conditions due to old utilities had been discovered, that PG&E and Marin Municipal Water District would need to be involved, that the pandemic has impacted agency response capacity and that she expected the project duration to be extended.

In response to a prompt from Mr. Creech, on March 4, 2021, Ms. Guillen stated that the renovation was progressing, that the City was in the process of submitting new service applications to the aforementioned agencies plus the San Rafael Sanitation District (SRSD), that the plumbing and electrical inspections had passed, and that reopening might occur in the summer.

In response to a prompt from Mr. Creech, on April 30, 2021, Ms. Guillen stated that the renovation was complete, the ADA improvements and lighting had been installed but that the utility connections were not in place and preventing the building from opening. Ms. Guillen stated that applications for new service with PG&E, MMWD and SRSD would be initiated shortly and that she would prefer not to issue an opening date for the restrooms.

In response to a prompt from Mr. Creech, on May 27, 2021, Ms. Guillen stated that the City was working with PG&E to bring permanent service to the restroom site.

In response to a prompt from Mr. Creech, on June 28, 2021, Ms. Guillen stated that PG&E requested more information to continue the new service application.

On July 22, 2021, Ms. Guillen informed Matthew Trujillo that the City had received confirmation that PG&E was processing its application and that it will be at least four months before they respond.

RED Exhibit A

In response to a prompt from Mr. Creech, August 3, 2021, Ms. Guillen restated information that she has previously communicated and said that following application processing by PG&E, there would be time to install service.

In response to two prompts from Mr. Creech, on October 13, 2021, Ms. Guillen stated that PG&E is behind with the City's service application.

In response to two prompts from Mr. Creech, on December 6, 2021, Ms. Guillen stated that the City continued to wait on utility companies for connection.

In response to a prompt from Mr. Creech, on March 1, 2022, Shawn Graf, EIT, LSIT, Assistant Engineer, stated PG&E would be invoicing the City for an engineering advance to enable the estimating team to look at the project, following which, Ms. Graf reported, PG&E had reported it would then take five to eight months to start work once the construction contract was paid for and in place. Ms. Graf also stated that the City was working with the water and sanitation districts on the wet utilities.

By email dated March 16, 2022, Mr. Creech asked the City to confirm his understanding that the restrooms would not be open for up to eight more months and expressing concern that despite having been in constant communication with the City since March 2020, this was the first time he had heard that it would take another eight months to open the restrooms.

By email also dated March 16, 2022, Ms. Graf stated that the eight-month timeline is based on PG&E's estimating, design, and construction schedule, there is currently no power to the restroom and to obtain power the City, PG&E must drop a power line from a pole and run conductors and conduit from the pole to the restroom. Ms. Graf stated that the City is working with SRSD to obtain a sewer connection permit and with MMWD to obtain a new water service. She noted that the wet utilities do not have as long of lead times as PG&E.

In response to a request from Mr. Creech to name a due date to open the restrooms, on March 17, 2022, Ms. Graf stated she would like to have the restroom open in early 2023.

By letter dated March 25, 2022, BCDC staff issued a second (new) notice of violations that commenced an administrative civil penalty clock against the City of San Rafael and Roots Construction Company, Inc., for a single violation, the failure to provide the permanent public restroom as required by BCDC Permit 1978.028.05, Special Condition II.B.4.1

By email dated March 28, 2022, Mr. Guerin, Director of Public Works, thanked BCDC for its letter, stating that the City expected to connect the sanitary force main on East Francisco Boulevard, which he stated was in the process of being replaced, to the updated restroom in the summer and that the City would provide more detail soon.

On April 29, 2022, Mr. Guerin submitted a letter to BCDC with a chronology of actions taken by the City to promote the opening of the closed restroom.

RED Exhibit A

On January 3, 2023, during a telephone conversation, Ms. Graf informed Mr. Creech that the City had updated the restroom to ADA compliance, reinstalled the water service, rehabilitated the sewer lateral and replaced the sewer ejection pump, updated the electrical components, and have since installed a meter pedestal and bored conduit from the PG&E service pole. She also stated that the City was still waiting on PG&E to provide electrical service to the restroom, the last utility required for the restroom to be functional. The work performed by PG&E will consist of their crews setting a meter and pulling conductors into the conduit. They have given the City an anticipated date of March 2nd for this work but that is weather dependent and will likely be pushed off due to the severity of this winter's storms. Considering PG&E's other work and typical weather-related delays the City anticipates PG&E to have energized the restroom by the end of May. During this same call, Mr. Creech informed Ms. Graf that pursuant to the Notice of Alleged Violation letter sent on March 25, 2022, the City would accrue maximum standardized fines if this enforcement case were to be resolved by June 1, 2023.

During the week of January 15, 2024, BCDC staff Adrienne Klein contacted the City by leaving voice mail messages for, and emailing, April Miller, Director of Public Works, and Fabiola Guillen-Urfer, Senior Project Manager, asking for a status report regarding opening of the new restroom.

By email dated January 19, 2024, Ms. Guillen-Urfer informed Ms. Klein that restrooms were still closed, but that the PG&E installation had occurred last year but that, after the electrical work had been completed, PG&E noticed that it was located on the adjacent, privately-owned parcel, and not on the City's property. As a result, Mr. Guillen-Urfer reported that PG&E will not energize the line until an easement agreement between the two parties had been established, which, she stated, the City is working with the property owner to create to enable PG&E to turn on the power.

In response to a request from BCDC staff, on January 20, 2024, Penny Wells, affiliated with the Bay Area Sea Kayakers (BASK), conducted a site visit and determined that the restroom is locked. Along with her email reporting this permit noncompliant condition, Ms. Wells submitted a photograph of the closed restroom.

On January 24, 2024, during a telephone conversation, Ms. Guillen-Urfer informed Ms. Klein that PG&E can turn the power to the restroom on when an easement from the owner of Parcel 009-161-55, on which the service utility is located, is executed, and that the City has scheduled a meeting with the owner during the week of January 29, 2024.

On January 25, 2024, BCDC staff terminated Respondent's opportunity to resolve the violation using standardized fines.

AGREED TERMS

NOW THEREFORE, based on the above facts and circumstances, the Parties hereby agree as follows:

1. **Cease and Desist.** The City shall Cease and desist from violating Special Condition II.B.4 of BCDC Permit 1978.028.02 which requires Respondent to maintain the public access restroom in Starkweather Park, required by Special Condition II.B.3, in an open, useable condition and no later than May 10, 2024, open the restroom to the public and submit photographic evidence and a BCDC Notice of Completion that confirms the restrooms have been refurbished consistent with the submitted plans and is open to the public.
2. **Payment of Civil Fines.** The City of San Rafael will pay San Francisco Bay Conservation and Development Commission the total sum of Thirty Thousand and No/100 Dollars (US\$30,000) (the "Settlement Payment") as provided herein, subject to approval by the City Council. The Settlement Payment shall be paid by cashier's check made payable to the San Francisco Conservation and Development Commission not later than May 10, 2024. City of San Rafael shall provide an executed copy of this Agreement to counsel for San Francisco Bay Conservation and Development Commission not later than the date that City of San Rafael must pay the Settlement Payment. The City's payment in full of the total penalty amount shall constitute the City's full and complete satisfaction of its liability for fines or penalties for the violations identified.
3. If the City demonstrates that it has made available for use by the public the permanent restroom facilities and water fountain/water bottle filling station attached thereto by April 27, 2024 and has restored the site by removing the temporary toilet and handwashing station immediately north of the permanent restroom structure and has restored the landscaping behind the restroom by May 6, 2024, then the Executive Director of BCDC shall accept a payment in the reduced total sum of Fifteen Thousand and No/100 Dollars (US\$15,000) not later than May 10, 2024. The City's payment in full of the US\$15,000 shall constitute the City's full and complete satisfaction of its liability for fines and penalties for the violations identified.
4. **Amendment.** This Agreement may be modified or amended only by written agreement executed by both the Commission's Executive Director and the City.
5. **Liability for Future Violations.** The City may be liable for fines or penalties for any violations of the Permit or the McAteer-Petris Act occurring after the Effective Date of this Agreement, and the Commission staff reserves the right to seek fines or penalties for any such violations.
6. **Disclaimer of Any Effect on Private Rights or on Laws and Regulations of Other Agencies.** This Agreement shall not constitute any recognition of property rights and shall have no effect on any duties, rights, or obligations established by private agreement or by the laws and regulations of other governmental bodies or agencies.
7. **Governing Law.** This Agreement shall be interpreted in accordance with and governed by the laws of the State of California.

RED Exhibit A

8. **Entire Agreement.** This Agreement and the Permit constitute the sole and entire agreements between the Parties regarding their subject matter. Any prior agreements, negotiations, or representations of or between the Parties not set forth herein are of no force or effect.

9. **Effective Date.** The Effective Date of this Agreement is the earliest date on which both Parties have executed the Agreement.

10. **Counterparts.** This Agreement may be executed in two counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, and intending to be legally bound, each of the Parties hereto has caused this Agreement to be executed as of the date(s) set forth below.

CITY OF SAN RAFAEL

By: _____
CRISTINE ALILOVICH
City Manager

Date: _____

**THE SAN FRANCISCO BAY CONSERVATION
AND DEVELOPMENT COMMISSION**

By: _____
LAWRENCE J. GOLDZBAND
Executive Director

Date: _____

Telephone Message and Conversation Notes

2024.01.16. Adrienne called Bill Guerin, whose voice mail states he has retired and that April Miller is new Director of Public Works. 415-485-3355. I left a message with the woman who answered asking A Miller to call me re the closed public restroom at Starkweather Park.

2024.01.18. Adrienne left a message for April Miller stating that I have been directed to escalate the matter and I'd like to know if restroom (RR) is open and, if so, to submit evidence, or if it is not. I left my contact information, as I did on Tuesday.

2024.01.18. Adrienne finds Thomas Wong's phone number on the Enforcement Report Form, who she reached. Thomas does not know the status. He was involved in proposal to impose reasonable rules and restrictions and the request to close the RR. He's not involved anymore and referred me to April and Fabiola.

2024.01.22. Fabiola and Adrienne speak by telephone for 25 minutes. At Fabiola's request, Adrienne explains the Comn's enforcement regulations and the reason BCDC is rescinding City's opp. to resolve with standard fines and escalating the case with issuance of the VR&C on Monday, that will result in a public hearing with the BCDC EC on 3/27 to order the City to open the RR. Fabiola agreed to accept standardized fine rescission letter via email.

Fabiola says that as soon as the easement is in place, PG&E can turn the power on so it's possible that restroom could be open by the time of the 3/27 hearing. She asks what would happen in this optimistic case. AK states that this is great news and that while the decision would be mgt's and legal's, she tentatively believes that would resolve the physical violation, preclude need for a cease and desist order but that a civil penalty, via a civil penalty order, would still be appropriate. She notes that the penalty via standardized fines is \$30K and will be the same via a civil penalty order as it is at the administrative maximum.

Fabiola says she believes the PG&E facility is located on Parcel 009-161-55. She states this property owner also needs an easement from the City and, therefore, there may be a mutual benefit to cooperation, so she's hopeful they will cooperate. But, she notes that if City is unsuccessful in negotiating an easement, the PG&E facility would need to be relocated off of private property and onto City property. Adrienne asks if negotiations on the City's easement have commenced to which Fabiola replies that they have not but that the City has set up a formal, sit-down meeting for next week.

2024.01.29. Adrienne called Fabiola to find out if RR that the City plans to provide is plumbed or if it a vault toilet, as approved. Fabiola says the City refurbished the existing building to construct a single, plumbed, all gender RR with a sink, plus new lighting around building and a dual height ADA drinking fountain. The existing RR building was gutted and reconstructed inside. The vault toilet approval was abandoned. Fabiola points Adrienne to an email dated August 2, 2019, from T Wong, where he mentions new plans. Adrienne says she saw that email but not the plans and thought the vault toilet was still the approved plans despite the fact that the record mentions a plumbed restroom. We acknowledged that sometimes attachments didn't make it into the file. Adrienne requested a copy of the plans, and Fabiola agreed to submit them ASAP.

2024.02.29 Fabiola Guillen-Urfer called to state that the City has negotiated an easement with Bay Park Real Estate, the property owner. This will take some time. They also asked PG&E if they could connect

RED Exhibit B1

the conduit with less than an executed easement. PG&E agreed with a letter from the property owner, pending execution of a signed and finalized easement. Letter has been submitted to PG&E, who has scheduled to connect the power on April 10, 2024. Conduit was installed on the wrong side of the building, a conductor needs to be installed and then the meter needs to be turned on.

Fabiola states that in light of the progress, she requests a hearing postponement or extension. I say that my gut says mgt will not want to but to please submit request in writing, along with SOD and we'll reply next week.

I ask a date to include in the order. Fabiola anticipated this question. Once there is power, they can open b/c they have plumbing, keys, etc. She wants to ask PG&E how long the work will take. I say we may use May 31st and that the ED can extend.

She states City has hired an attorney and would it be okay to put them in touch with BCDC. His name is CWS Law, Conor MacLean. I say of course.

Fabiola is excited that PG&E is soon going to flip the switch. Klein thanks her for the call and the good work.



**CITY OF SAN RAFAEL
DEPARTMENT OF
PUBLIC WORKS**

111 MORPHEW STREET,
SAN RAFAEL, CALIFORNIA 94901
TEL: (415)485-3355
FAX: (415)485-3334

PROJECT TITLE AND LOCATION

**ADA RENOVATION
PROJECTS
AT**

**CITY OF SAN RAFAEL
SHORELINE PARK PATHWAY
RESTROOM**

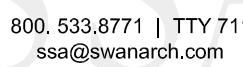
2171 E FRANCISCO BLVD
SAN RAFAEL, CA 94901

COMMISSIONED ARCHITECT

Sally Swanson Architects, Inc.

500 Sansome St, Suite 410 San Francisco, CA 94111
Tel: 415.445.3045

2600 West Olive Ave, 5th Floor
Burbank, CA 91505
Tel: 310.575.2548



800.533.8771 | TTY 711
ssa@swanarch.com

Architecture
Planning
Accessible Design

STAMPS/SEALS

ARCHITECT STAMP



DATE **09-25-2019**

CONSULTANT

STAMPS/SEALS

LOCAL AGENCY APPROVAL

ISSUES / REVISIONS

NO. DESCRIPTION DATE

SHEET TITLE:

COVER SHEET

PROJECT NO: 18061.00 PROJECT ARCH: K.W.

DRAWN: T.M. CHECKED: K.W. & S.S.

SHEET NUMBER

G-0.1

DATE: 09.24.2019 SHEET: 1 OF 4

APPLICABLE CODES

- THE CALIFORNIA BUILDING CODE (CBC), 2016 EDITION.
- 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN
CHAPTER 4, PART 1, TITLE 24, C.C.R. ADMINISTRATIVE REQUIREMENTS
(PARTIAL LISTING ONLY)

DRAWING INDEX

GENERAL

- G-01 COVER SHEET
- G-03 ACCESSIBILITY DETAILS

ARCHITECTURAL

- A-21 DEMO + NEW FLOOR PLANS AND INTERIOR ELEVATIONS
- A-22 DEMO + NEW EXTERIOR ELEVATIONS

ABBREVIATIONS

BD.	BOARD	MIN.	MINIMUM	SIM.	SIMILAR
BLDG.	BUILDING	FRP	FIBER GLASS REINFORCE PANEL	S.S.	STAINLESS STEEL
CONC.	CONCRETE			STL.	STEEL
CONT.	CONTINUE	(N)	NEW	UON.	UNLESS OTHERWISE NOTED
(E)	EXISTING	NTS	NOT TO SCALE	V.I.F.	VERIFY IN FIELD
E/W	EACH WAY	O.C.	ON CENTER	AL.	ALUMINUM
GALV.	GALVANIZED	O.D.	OUTSIDE DIAMETER		
G.I.	GALVANIZED IRON	TYP.	TYPICAL		
MAX.	MAXIMUM	W	WIDTH		

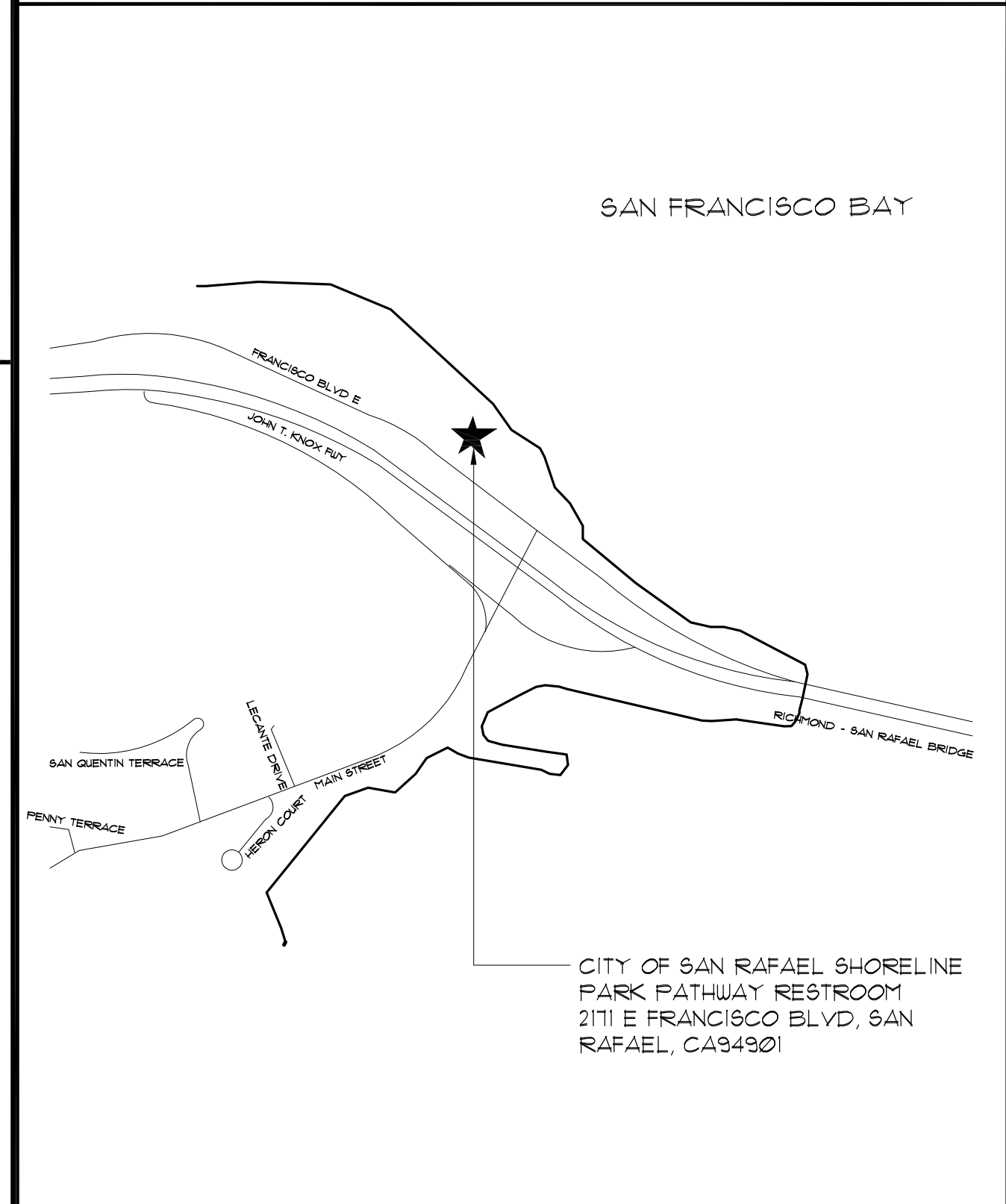
SCOPE OF WORK

1. PUBLIC RESTROOM BUILDING RENOVATION AT CITY OF SAN RAFAEL SHORELINE PARK.

CITY OF SAN RAFAEL SHORELINE PARK PATHWAY RESTROOM BUILDING RENOVATION

2171 E FRANCISCO BLVD, SAN RAFAEL, CA94901

AREA MAP



PROJECT TEAM

OWNER / CLIENT
CITY OF SAN RAFAEL
DEPARTMENT OF PUBLIC WORKS
111 MORPHEW STREET,
SAN RAFAEL, CA 94901

TEL: 415-485-3355
CONTACT: THOMAS WONG,
JUNIOR ENGINEER

ARCHITECT
SALLY SWANSON ARCHITECTS, INC.

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11755 WILSHIRE BLVD, SUITE 1250
LOS ANGELES, CA 90025
TEL: 310-575-2548

CONTACT: SALLY SWANSON, CEO

GENERAL NOTES

- THE INTENT OF THE CONTRACT DOCUMENTS FOR THIS PROJECT IS THAT THE WORK BE PERFORMED IN ACCORDANCE WITH THE CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 24 AND ALL OTHER FEDERAL OR STATE ORDINANCES, CODES AND REGULATIONS LISTED AS APPLICABLE. SHOULD UNANTICIPATED, NONCOMPLIANT EXISTING CONDITIONS BE DISCOVERED SUCH THAT THE WORK WHEN COMPLETED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS WOULD NOT CONFORM WITH CCR TITLE 24, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ARCHITECT BEFORE PROCEEDING. THE ARCHITECT WILL PREPARE AN ADDENDUM, CONSTRUCTION CHANGE DOCUMENT (CCD), OR NEW CONTRACT DOCUMENTS AS NECESSARY FOR SUBMISSION TO AND APPROVAL BY THE LOCAL GOVERNING AGENCY.
- THE WORD 'CONTRACTOR' AS USED IN THESE NOTES MEANS THE PERSON OR ENTITY OR THE AUTHORIZED REPRESENTATIVE OF THE PARTY DIFFERENT FROM THE OWNER WHOSE NAME APPEARS IN THE OWNER-CONTRACTOR AGREEMENT FOR PERFORMANCE OF THE WORK UNDER THE AGREEMENT.
- THE CONTRACTOR SHALL REVIEW THE CONTRACT DOCUMENTS AND COORDINATE THE WORK PRIOR TO COMMENCEMENT OF ANY PORTION OF THE WORK.
- THE CONTRACTOR SHALL VERIFY THE LOCATION OF EXISTING UNDERGROUND STORM DRAIN, WATER, GAS, AND ELECTRICAL LINES BEFORE PROCEEDING WITH ANY EXCAVATION.
- THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR PROJECT CONDITIONS AND FOR THE SAFETY OF ALL PERSONS AND/OR PROPERTY DURING PERFORMANCE OF THE WORK UNDER THE AGREEMENT.
- THE CONTRACTOR SHALL PROTECT ALL WORK, MATERIALS, AND EQUIPMENT (INCLUDING EXISTING FIRE ALARM, SECURITY AND DATA SYSTEMS) FROM DAMAGE FROM ANY CAUSE WHATSOEVER AND PROVIDE ADEQUATE AND PROPER STORAGE FACILITIES DURING PROGRESS OF THE WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING AND PATCHING SURFACES DAMAGED DURING CONSTRUCTION TO MATCH THEIR ORIGINAL CONDITION.
- IN GENERAL, DRAWINGS INDICATE DIMENSIONS, POSITION, PROFILE, AND KIND OF CONSTRUCTION. SPECIFICATIONS INDICATE MATERIAL QUALITIES AND METHODS. ANY WORK INDICATED ON THE DRAWINGS AND NOT MENTIONED IN THE SPECIFICATIONS, OR VICE VERSA, SHALL BE PROVIDED AS THOUGH FULLY SET FORTH IN BOTH. WORK NOT PARTICULARLY DETAILED, NOTED OR SPECIFIED SHALL BE THE SAME AS THE SIMILAR PARTS THAT HAVE BEEN DETAILED, NOTED OR SPECIFIED. IF CONFLICTS OCCUR BETWEEN DRAWINGS AND SPECIFICATIONS, THE BETTER QUALITY MATERIAL OR SYSTEM SHALL BE PROVIDED.
- LARGE SCALE DRAWINGS (SUCH AS 1/4" = 10' OR GREATER) SHALL TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS (SUCH AS UNUSUAL OVERALL BUILDING PLANS OR OTHER SCALES SUCH AS 1" = 20'). DETAILS TAKE PRECEDENCE OVER ALL SUCH PLAN OR ELEVATION DRAWINGS. IF THE CONTRACTOR FINDS CONFLICTS IN THE DRAWINGS, HE SHALL NOTIFY THE ARCHITECT IN WRITING AND OBTAIN CLARIFICATION BEFORE PROCEEDING WITH THE WORK IN QUESTION.
- DO NOT OBTAIN CONSTRUCTION DIMENSIONS BY MEASURING OR SCALING THE DRAWINGS. USE NUMERICAL DIMENSIONS NOTED ON THE DRAWINGS. OBTAIN DIMENSIONS NEEDED BUT NOT NOTED ON THE DRAWINGS FIRST BY ARITHMETIC. IF THE CONFLICTS ARISE, NOTIFY THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.
- SHOULD AN ERROR APPEAR IN THE DRAWINGS OR SPECIFICATIONS OR IN WORK DONE BY OTHERS WHICH AFFECTS THE WORK OF THIS PROJECT, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT AT ONCE AND IN WRITING. IF THE CONTRACTOR PROCEEDS WITH THE WORK SO WITHOUT HAVING GIVEN SUCH WRITTEN NOTICE AND WITHOUT RECEIVING THE NECESSARY DECISION OR INSTRUCTIONS FROM THE OWNER, THEN HE SHALL HAVE NO VALID CLAIM AGAINST THE CITY, ITS OFFICERS, EMPLOYEES, OR AGENTS. THE FOREGOING INCLUDES ERRORS IN THE DRAWINGS OR SPECIFICATIONS WHERE THE INTERPRETATION IS DOUBTFUL OR WHERE THE ERROR IS SUFFICIENTLY APPARENT AS TO PLACE A REASONABLY PRUDENT CONTRACTOR ON NOTICE THAT, SHOULD HE PROCEED, HE DOES SO AT HIS OWN RISK.
- FOR CONVENIENCE SPECIFICATIONS ARE SEPARATED INTO SECTIONS, BUT SUCH SEPARATION SHALL NOT BE CONSIDERED TO LIMIT THE WORK REQUIRED OF ANY SEPARATE TRADE. THE TERMS AND CONDITIONS OF SUCH SEPARATIONS AND LIMITATIONS ARE SOLELY BETWEEN THE CONTRACTOR AND HIS SUBCONTRACTORS.
- THE CONTRACT DOCUMENTS CONTAIN INFORMATION INTENDED TO CONVEY THE DESIGN INTENT. SUCH INFORMATION MAY NOT BE EXHAUSTIVE IN SCOPE OR TOTALLY COMPREHENSIVE IN DETAIL, NOR ALL INCLUSIVE OF THE MATERIALS AND LABOR REQUIRED TO PRODUCE THE PROJECT AS INTENDED. REFERENCE OF DRAWINGS IS FOR CONVENIENCE ONLY AND IS NOT INTENDED TO LIMIT THE APPLICATION OF ANY DRAWING OR DETAIL. TYPICAL DETAILS SHALL APPLY UNLESS SPECIFICALLY NOTED OTHERWISE. WHERE DETAILS ARE NOT SHOWN, DETAILS SIMILAR OR SAME AS TYPICAL SHALL APPLY.
- THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE MANAGEMENT OF HAZARDOUS MATERIALS THAT MAY BE ON THE SITE.
- THE ARCHITECT HAS NOT PERFORMED INVESTIGATIONS TO DETERMINE THE PRESENCE OF HAZARDOUS MATERIALS. UPON REQUEST, THE DISTRICT WILL PROVIDE THE RESULTS OF INVESTIGATIONS MADE BY THE DISTRICT'S CONSULTANT TO DETERMINE THE PRESENCE OF HAZARDOUS MATERIALS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT PERSONNEL WITHIN THE WORK AREA ARE PROTECTED FROM EXPOSURE TO HAZARDOUS MATERIALS. SHOULD HAZARDOUS MATERIALS BE DISCOVERED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY PROJECT MANAGER. THE DISTRICT WILL COORDINATE WITH ITS HAZARDOUS MATERIALS AND ABATEMENT CONSULTANTS AND ARRANGE FOR REMOVAL OF HAZARDOUS MATERIALS BY OTHERS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRAFFIC AND PEDESTRIAN CONTROL.
- ALL MATERIALS CALLED OUT IN THESE DRAWINGS ARE NEW AND ARE PROVIDED BY THIS CONTRACT UNLESS THEY ARE CALLED OUT AS EXISTING OR N.I.C.
- THE ARCHITECT MAKES EVERY EFFORT TO DESIGN AND PREPARE PLANS AND SPECIFICATIONS TO COMPLY WITH STATE AND FEDERAL STANDARDS, ACCESSIBILITY LAWS, CODES AND REGULATIONS. HOWEVER, THE AMERICANS WITH DISABILITIES ACT AND THE CALIFORNIA BUILDING CODE ARE SUBJECT TO VARIOUS AND POSSIBLY CONTRADICTORY INTERPRETATIONS. THESE PLANS AND SPECIFICATIONS REPRESENT THE ARCHITECT'S INTERPRETATION OF THE CBC ACCESSIBILITY STANDARDS AND ADA AS IT APPLIES TO THIS PROJECT, BUT IS NOT IN ANY WAY A WARRANTY OR GUARANTEE THAT SAID PLANS COMPLY WITH ANY OR ALL POSSIBLE INTERPRETATIONS OF THE CBC ACCESSIBILITY STANDARDS AND ADA BY OTHERS.
- DUE TO CONSTRUCTION ERA OF THE BUILDING, ASBESTOS MATERIALS MAY BE PRESENTED.
- FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION SHALL COMPLY WITH CFC CHAPTER 14 AND SAFETY DURING CONSTRUCTION WILL BE ENFORCED PER CBC CHAPTER 33.
- REPAIR OR PATCHING DETAIL FOR (E) DAMAGES OCCURRED DURING CONSTRUCTION SHALL BE SUBMITTED TO LOCAL AGENCY FOR APPROVAL.
- ALL WORK SHALL CONFORM TO 2016 EDITION TITLE 24, CALIFORNIA OF REGULATIONS (CCR)
- THE SCOPE OF WORK, CLEARLY INDICATED THE SCOPE OF WORK ON THE COVER SHEET OR GENERAL NOTE SHEET OF THE DRAWINGS.



**CITY OF SAN RAFAEL
DEPARTMENT OF
PUBLIC WORKS**

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PROJECT TITLE AND LOCATION

**ADA RENOVATION
PROJECTS
AT**

**CITY OF SAN RAFAEL
SHORELINE PARK PATHWAY
RESTROOM**

2171 E. FRANCISCO BLVD
SAN RAFAEL, CA 94901

COMMISSIONED ARCHITECT
Sally Swanson Architects, Inc.

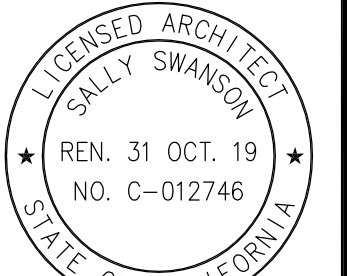
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**Architecture
Planning
Accessible Design**

STAMPS/SEALS
ARCHITECT STAMP



DATE 09-25-2019

CONSULTANT

STAMPS/SEALS

LOCAL AGENCY APPROVAL

ISSUES / REVISIONS

NO.	DESCRIPTION	DATE

SHEET TITLE:

**ACCESSIBILITY
DETAILS**

PROJECT NO: 18061.00 PROJECT ARCH: K.W.

DRAWN: T.M. CHECKED: K.W. & S.S.

SHEET NUMBER

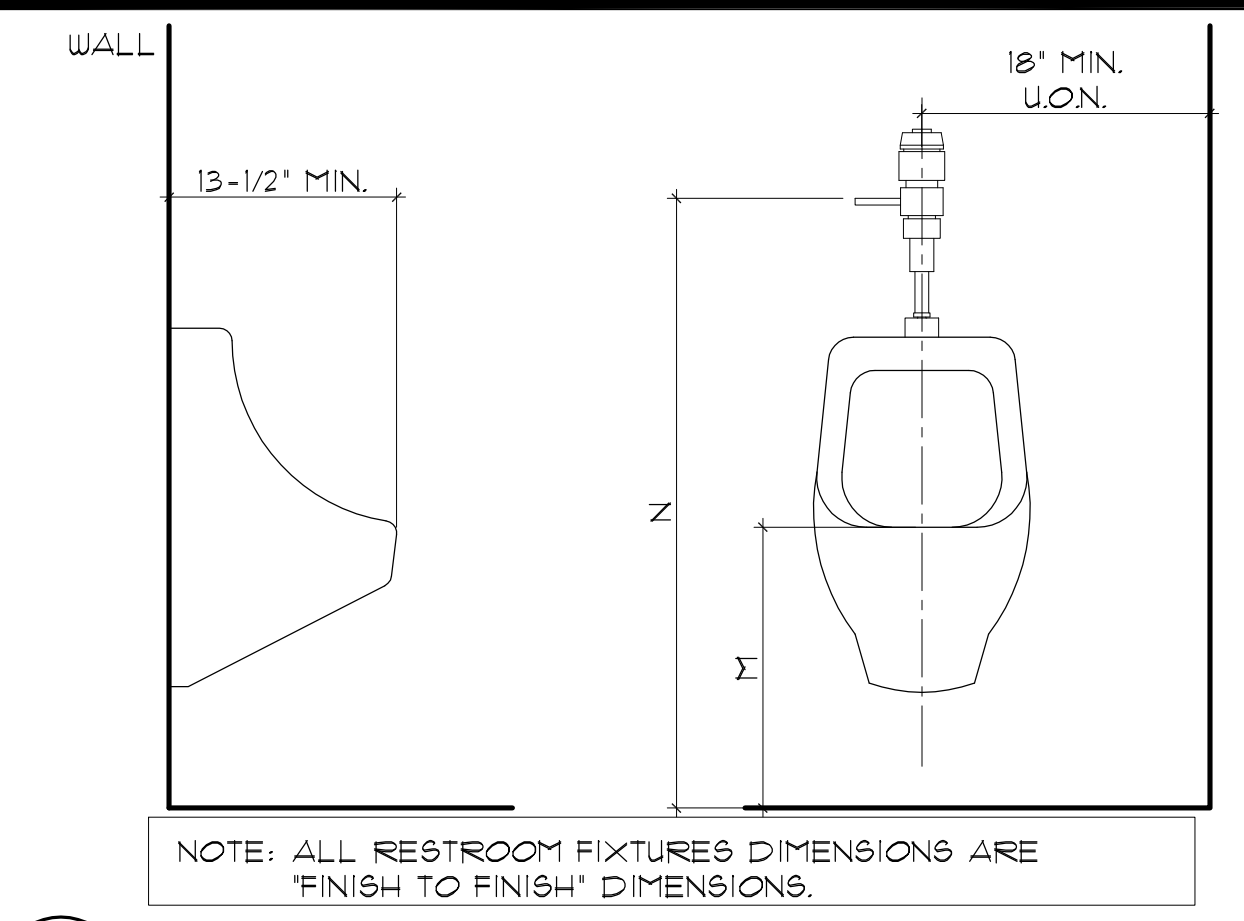
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DATE: 09.24.2019 SHEET: 2 OF 4

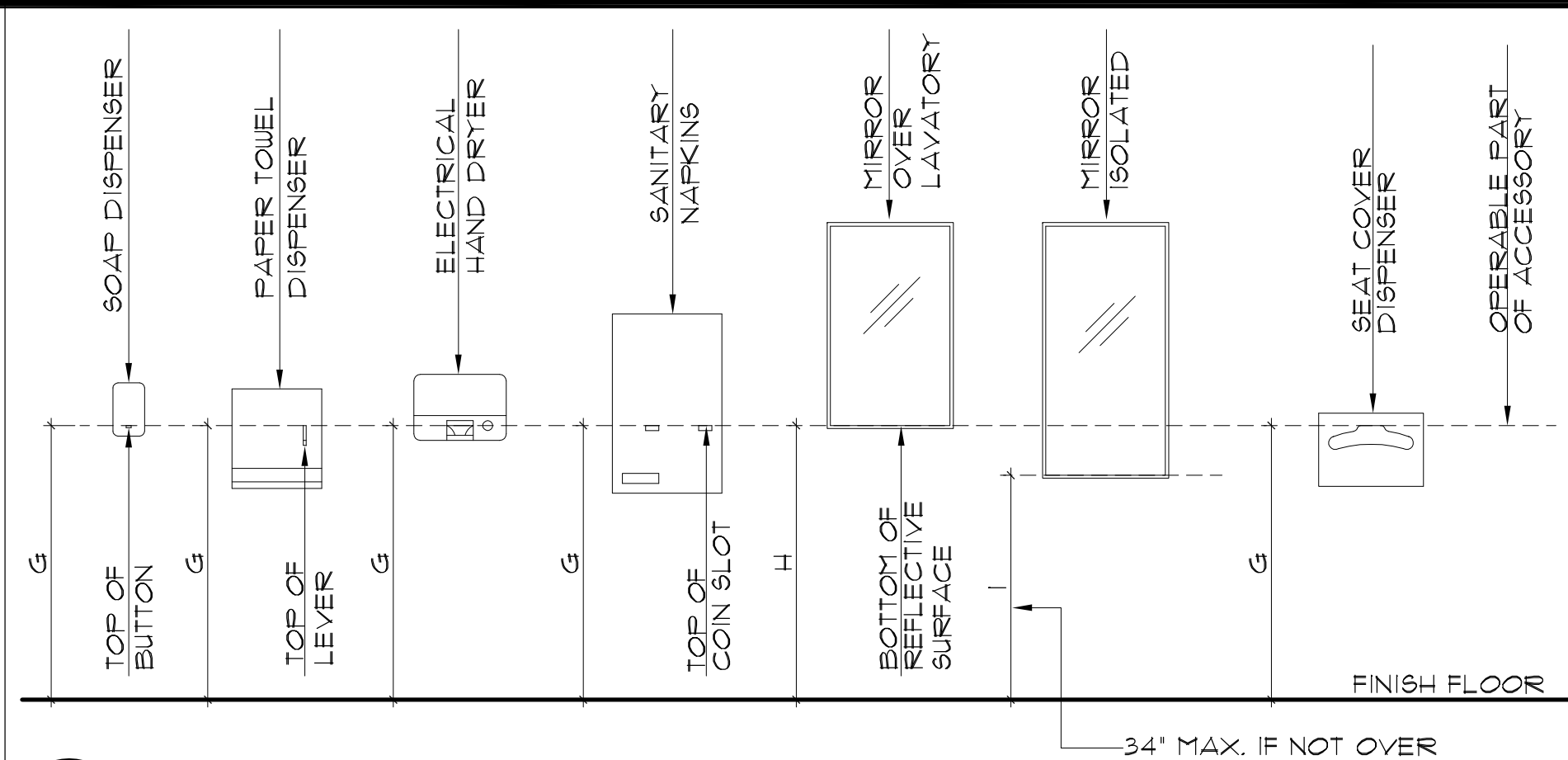
GENERAL NOTES

- ALL RESTROOM FIXTURES DIMENSIONS ARE 'FINISH TO FINISH' DIMENSIONS.
- RAISED LETTERS - COORDINATE FINAL ROOM NAME AND ROOM NUMBER WITH THE OWNER.
- ACTUAL PLAQUE LAYOUT AND NUMBERING TO BE VERIFIED BY OWNER PRIOR TO ORDER.
- TEXT AND PICTOGRAMS MUST CONTRAST WITH BACKGROUND OF SIGN, A MINIMUM OF 10% IS DESIRABLE. SIGN MUST HAVE A NON-GLARE FINISH.
- SIGN AND TACTILE TEXT SHOULD NOT HAVE SHARP OR ABRASIVE EDGES.

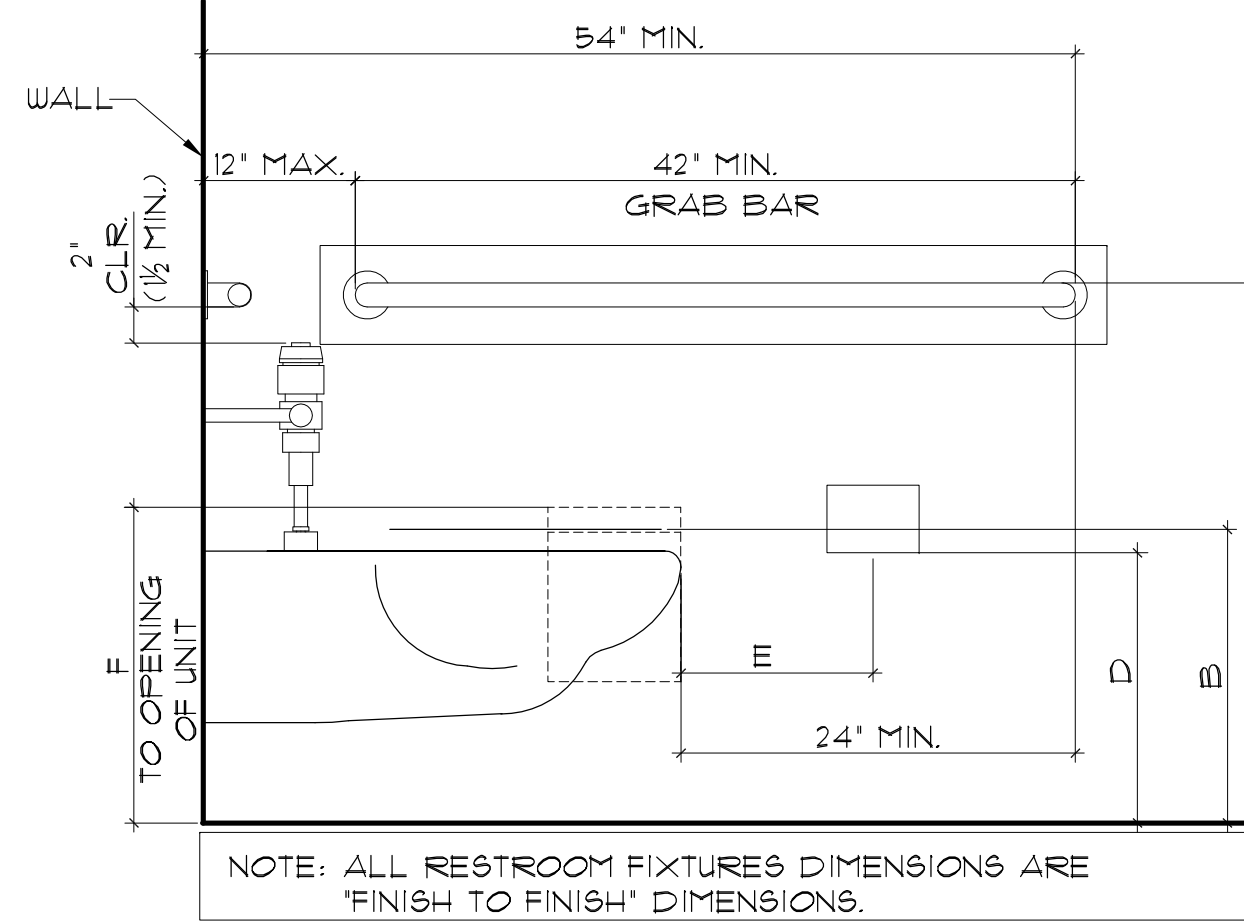
#	DESCRIPTION	RECOMMENDED
A	TOILET CENTERING FROM WALL (17 INCHES MIN. TO 18 INCHES MAX.)	17'-1/2"
B	TOILET SEAT HEIGHT/DIMENSION TO TOP OF SEAT (17 INCHES MIN. 4 19 INCHES MAX.)	18"
C	GRAB BAR HEIGHT (TOP)	33" MIN. TO 36" MAX.
D	TOILET PAPER DISPENSER ABOVE FLOOR (TO PAPER/OUTLET)	19" MIN.
E	TOILET PAPER IN FRONT OF TOILET (7 INCHES MIN. 4 9 INCHES MAX.)	8"
F	NAPKIN DISPOSAL (ON SIDE WALL BETWEEN REAR WALL AND TOILET PAPER DISPENSER)	20" MIN. TO 22" MAX.
G	OPERABLE PART OF ACCESSORY IN RESTROOM	40" MAX.
H	MIRROR HEIGHT AT BOTTOM OF REFLECTIVE SURFACE (OVER SHELF OR LAV.)	40" MAX.
I	MIRROR HEIGHT AT BOTTOM OF REFLECTIVE SURFACE (ISOLATED MIRROR)	35" MAX.
J	LAVATORY/SINK TOP HEIGHT	34" MAX.
K	LAVATORY APRON CLEARANCE	29" MIN.
L	LAVATORY/SINK KNEE CLEARANCE	21" MIN.
M	URINAL LIP HEIGHT (17 INCHES MAX.)	16"
N	URINAL FLUSH HANDLE HEIGHT (44 INCHES MAX.)	43"



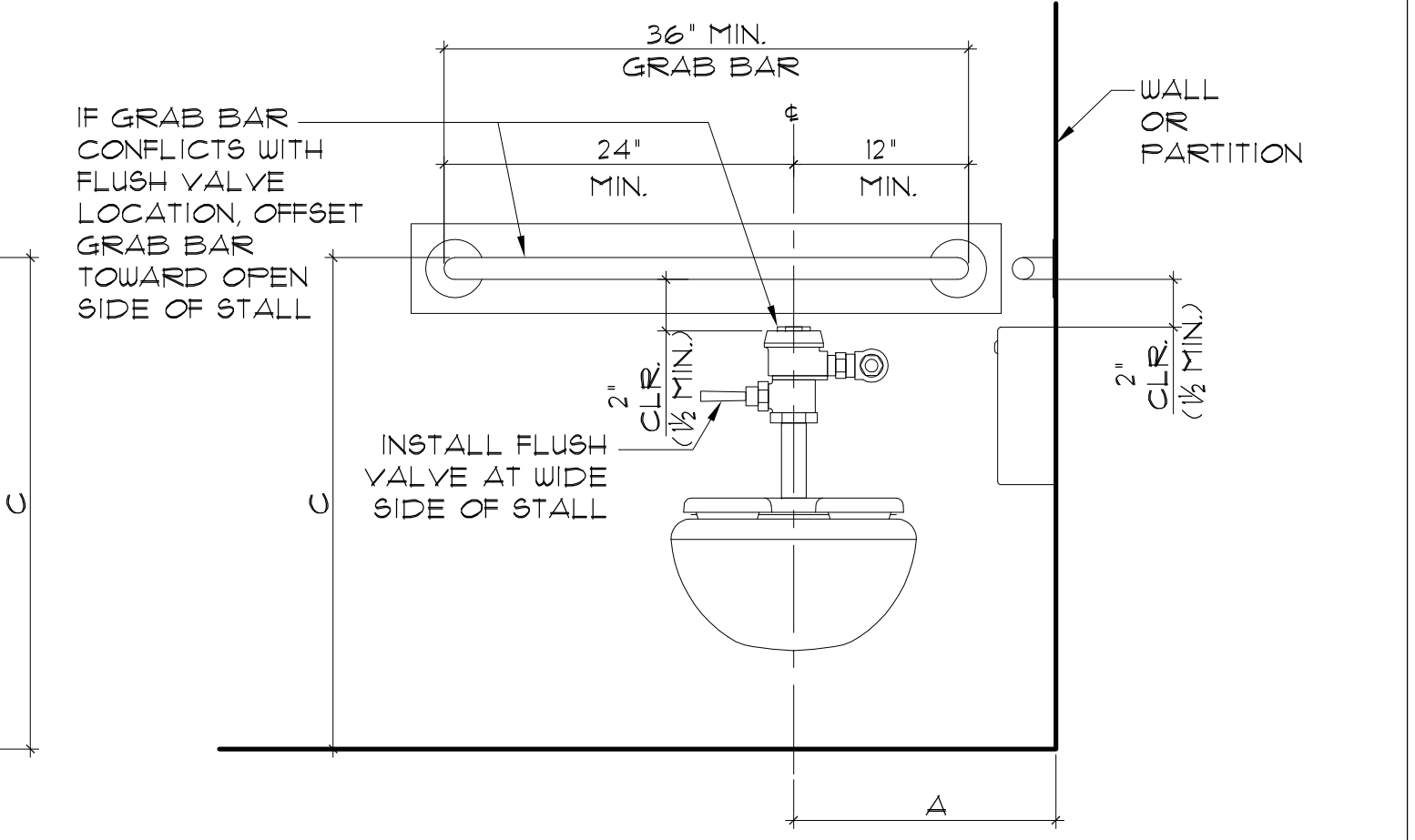
5 TYPICAL DIMENSION FOR URINALS
SCALE: N.T.S.



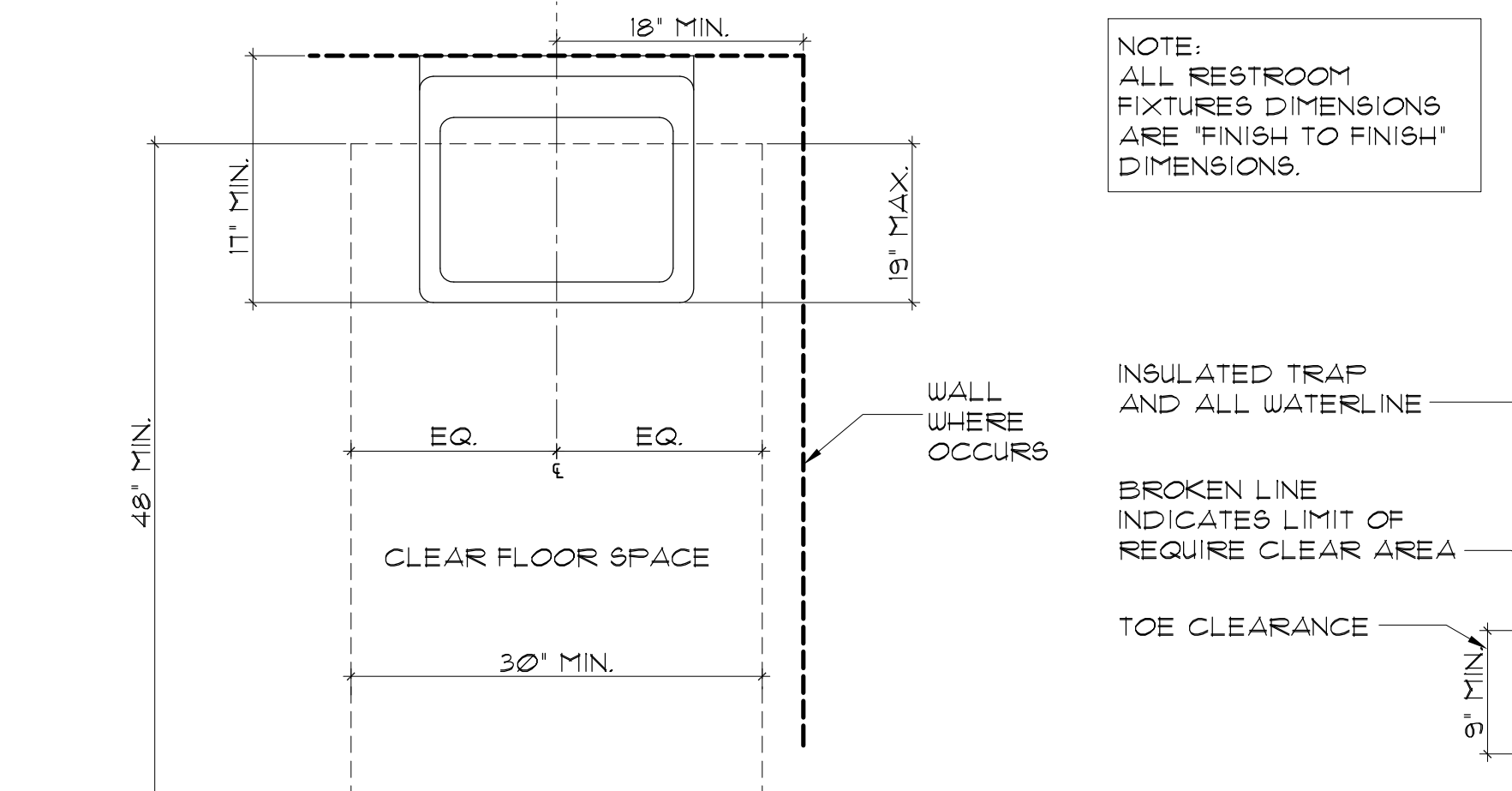
4 TOILET ACCESSORIES MOUNTING HEIGHT
SCALE: N.T.S.



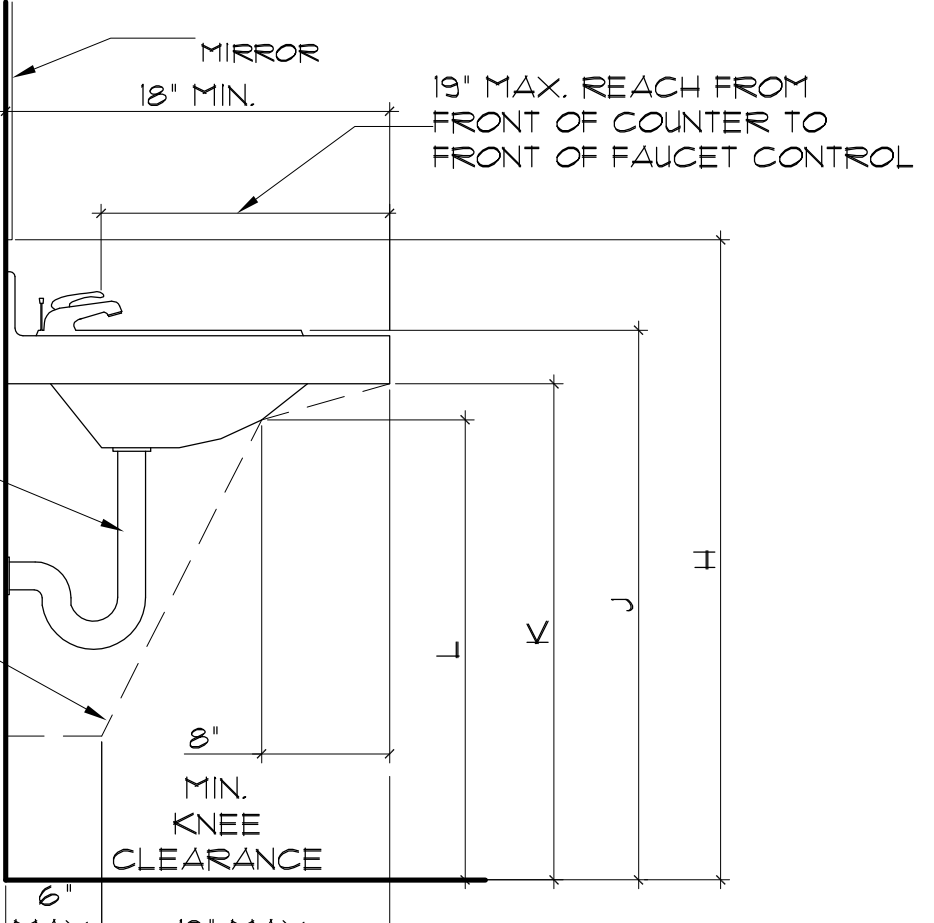
6 TYPICAL DIMENSION FOR WATER CLOSET & ACCESSORIES
SCALE: N.T.S.



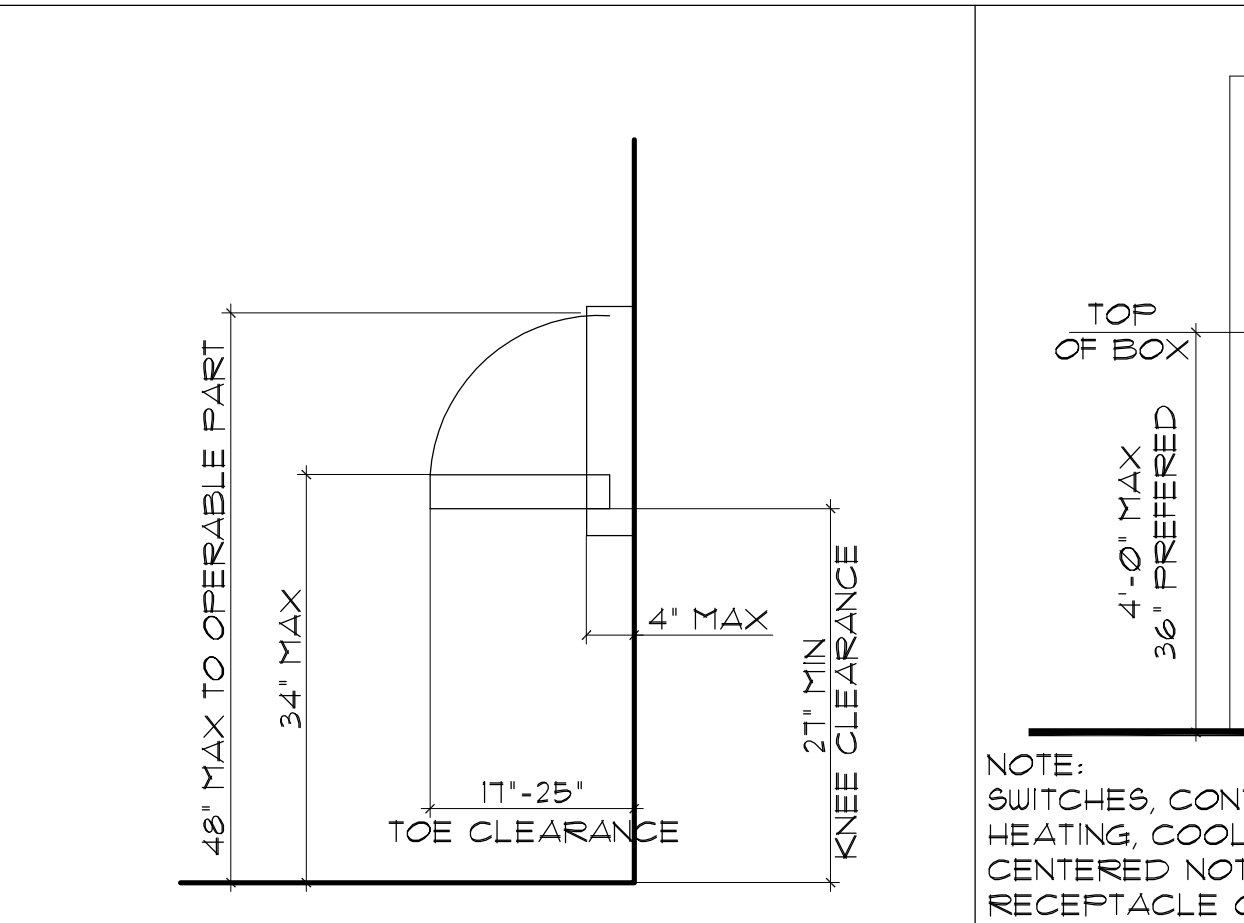
4 TOILET ACCESSORIES MOUNTING HEIGHT
SCALE: N.T.S.



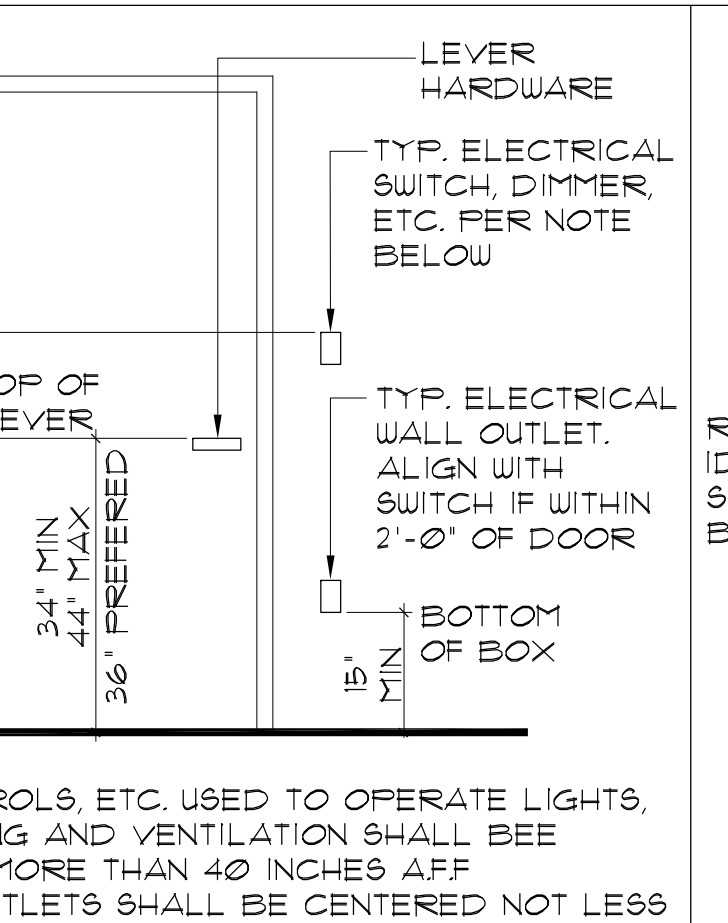
1 TYPICAL DIMENSION FOR LAVATORIES
SCALE: N.T.S.



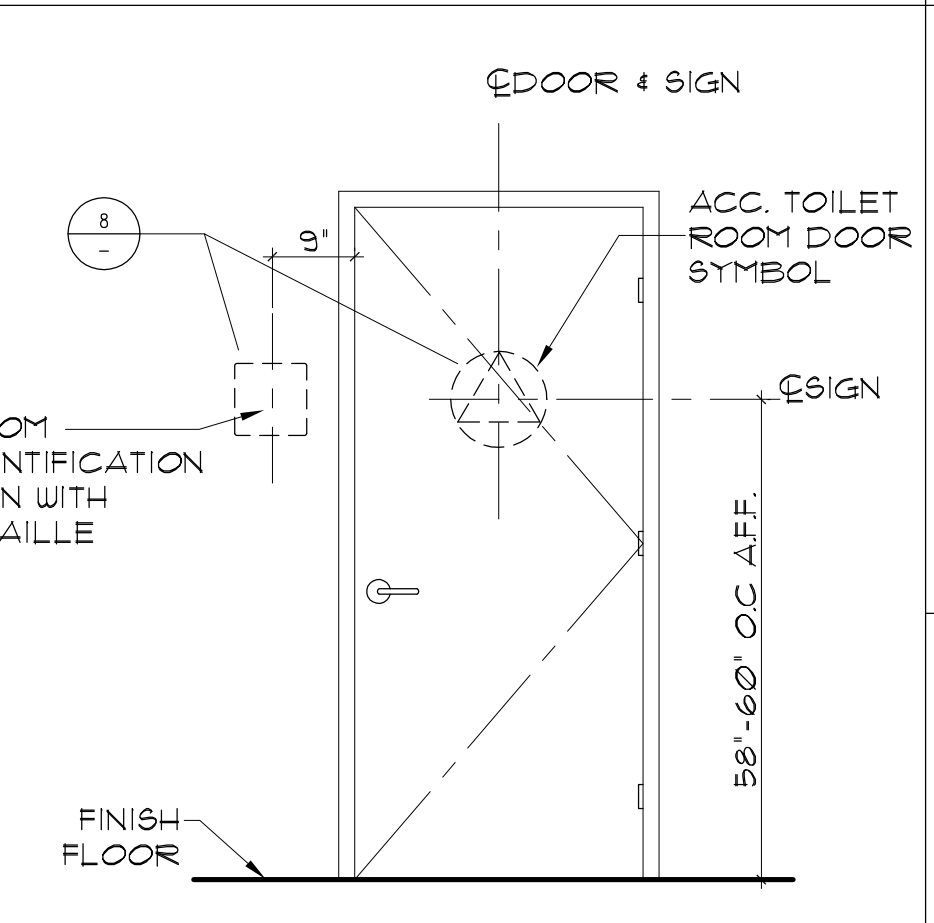
1 TYPICAL DIMENSION FOR LAVATORIES
SCALE: N.T.S.



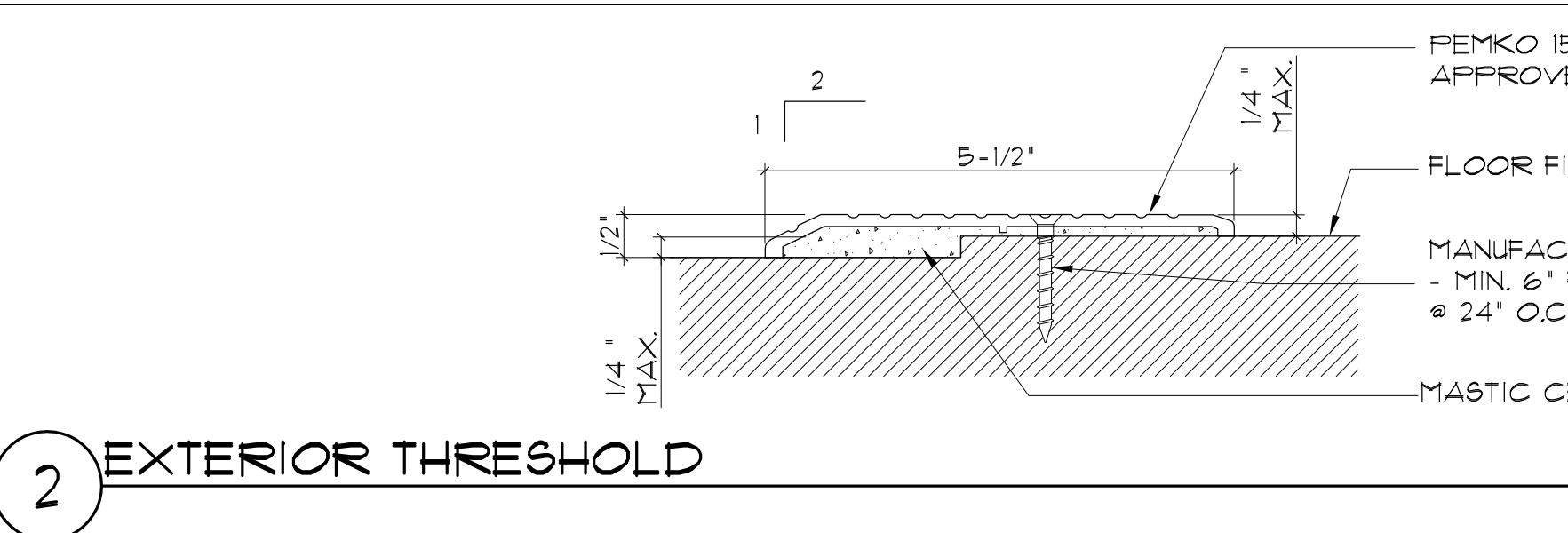
9 BABY CHANGING STATION DETAIL
SCALE: 3/4"=1'-0"



8 SWITCH & CONTROL AT DOOR
SCALE: N.T.S.

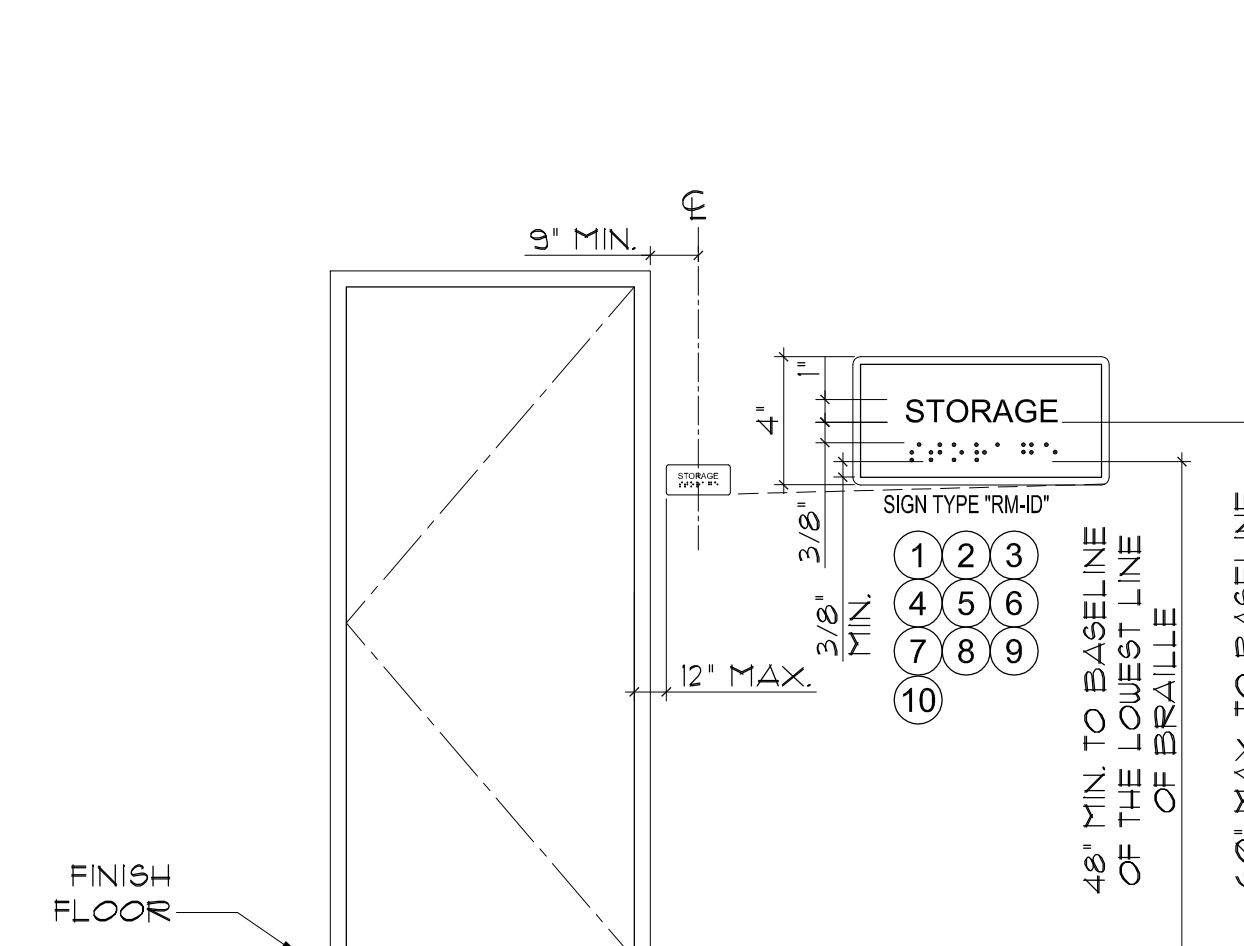


7 TOILET SIGNAGE MOUNTING LOCATION
SCALE: 1/2"=1'-0"

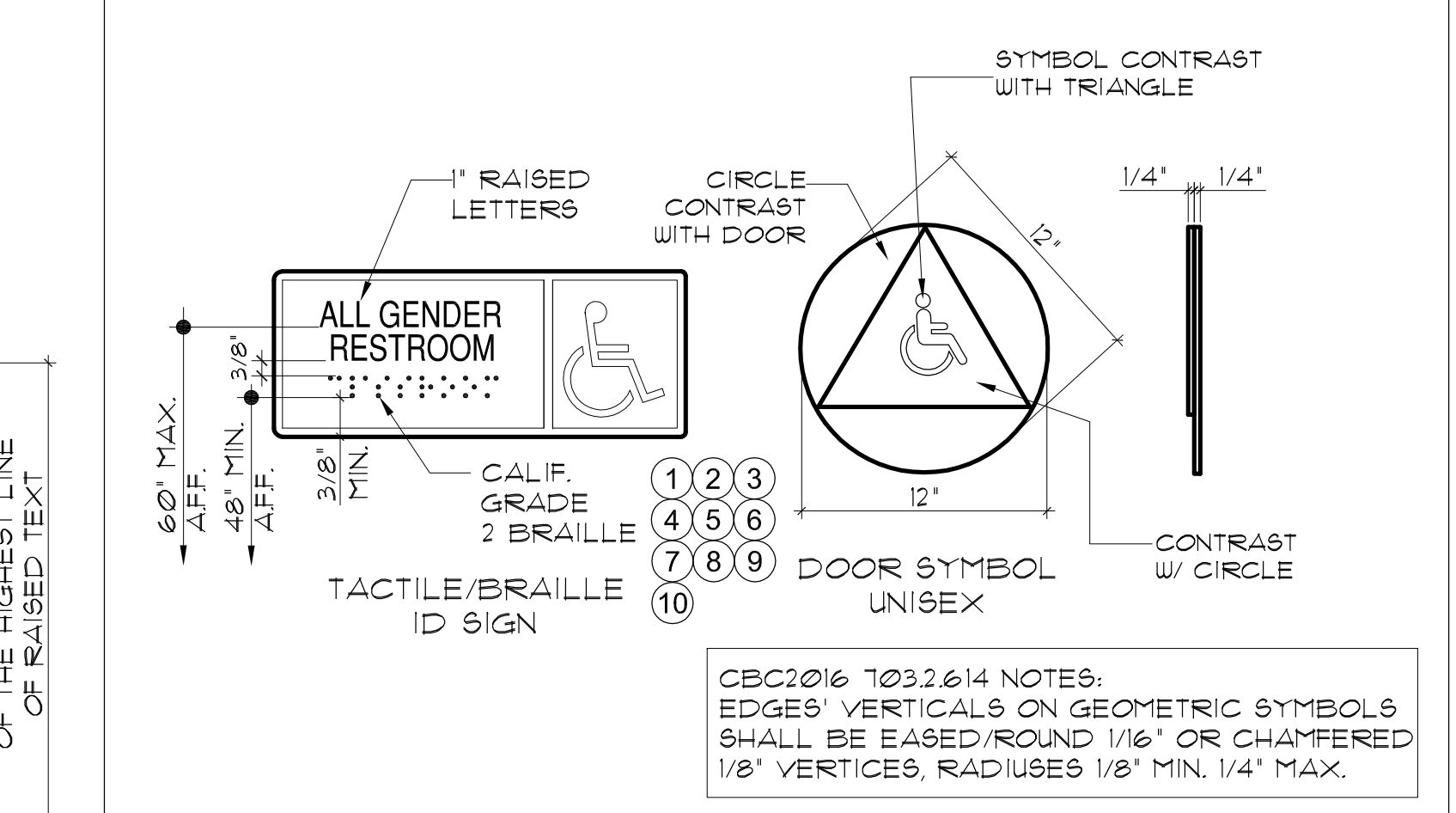


2 EXTERIOR THRESHOLD
SCALE: 6"=1'-0"

- NOTES:**
- CHARACTERS, SYMBOLS AND THEIR BACKGROUND SHALL HAVE A NON-GLARE FINISH. CHARACTERS AND SYMBOLS SHALL CONTRAST WITH THEIR BACKGROUND, EITHER LIGHT CHARACTERS ON A DARK BACKGROUND OR DARK CHARACTERS ON A LIGHT BACKGROUND. (CBC 11B-103.5.1)
 - CHARACTERS ON SIGNS SHALL HAVE A WIDTH-TO-HEIGHT RATIO OF BETWEEN 3:5 AND 1:1 AND A STROKE WIDTH TO HEIGHT RATIO 1:5 AND 1:10
 - CHARACTERS AND NUMBERS ON SIGNS SHALL BE SIZED ACCORDING TO THE VIEW DISTANCE FROM WHICH THEY ARE TO BE READ. THE MINIMUM HEIGHT IS MEASURED USING AN UPPERCASE X. LOWERCASE CHARACTERS ARE PERMITTED. FOR SIGNS SUSPENDED OR PROJECTED ABOVE THE FINISH FLOOR IN COMPLIANCE WITH CBC SECTION 11B-103.5.5, THE MINIMUM CHARACTER HEIGHT SHALL BE 3 INCHES (76MM). REFER TO ACCOMPANYING DETAILS FOR CHARACTER HEIGHT.
 - CHARACTERS ON SIGNS SHALL BE RAISED 1/32 INCH (0.784 MM) MINIMUM AND SHALL BE SANS SERIF UPPERCASE CHARACTERS ACCOMPANIED BY GRADE 2 BRAILLE COMPLYING WITH CBC SECTION 11B-103.2 4 11B-103.3
 - RAISED CHARACTERS SHALL BE A MINIMUM OF 5/8 INCH (15.9 MM) AND A MAXIMUM OF 2 INCHES (51 MM) HIGH (CBC SECTION 11B-103.2.5). REFER TO ACCOMPANYING DETAILS FOR CHARACTER HEIGHT.
 - PICTORIAL SYMBOL SIGNS (PICTOGRAMS) SHALL BE ACCOMPANIED BY THE VERBAL DESCRIPTION PLACED DIRECTLY BELOW THE PICTOGRAM. THE OUTSIDE DIMENSION OF THE PICTOGRAM FIELD SHALL BE A MINIMUM OF 6 INCHES (152 MM) IN HEIGHT (CBC SECTION 11B-103.6.1).
 - CONTRACTED CALIFORNIA GRADE 2 BRAILLE. DOT SHALL BE 1/10 INCHES (2.54MM) ON CENTER IN EACH CELL WITH 1/8 INCH (3.02 MM) SPACE BETWEEN CELLS, MEASURED FROM THE SECOND COLUMN OF DOTS IN THE FIRST CELL TO THE FIRST COLUMN OF DOTS IN THE SECOND CELL. DOTS SHALL BE RAISED A MINIMUM OF 1/40 INCH (0.635 MM) ABOVE THE BACKGROUND (CBC 11B-103.3).
 - WHERE PERMANENT IDENTIFICATION IS PROVIDED FOR ROOMS AND SPACES, SIGN SHALL BE INSTALLED ON THE WALL ADJACENT TO THE LATCH OUTSIDE OF THE DOOR AS INDICATED ON THE ACCOMPANYING DETAIL(S). WHERE THERE IS NO WALL SPACE ON THE LATCH SIDE INCLUDING AT DOUBLE LEAF DOORS, SIGN SHALL BE PLACED ON THE NEAREST ADJACENT WALL, PREFERABLY ON THE RIGHT. SIGNS WITH RAISED CHARACTERS AND BRAILLE TO BE LOCATED 48" MIN. AFF. MEASURED FROM THE BASELINE OF THE LOWEST LINE OF BRAILLE AND 60" MAX. AFF. MEASURED TO THE BASELINE OF HIGHEST LINE OF RAISED CHARACTER. MOUNTING LOCATION SHALL BE DETERMINED SO THAT A PERSON MAY APPROACH WITHIN 3-INCHES OF SIGNAGE WITHOUT ENCOUNTERING PROTRUDING OBJECTS OR STANDING WITHIN THE SWING OF A DOOR (CBC 11B-103.4).
 - THE INTERNATIONAL SYMBOL OF ACCESSIBILITY (ISA) SHALL BE THE STANDARD USED TO IDENTIFY FACILITIES THAT ARE ACCESSIBLE TO AND USABLE BY PHYSICALLY DISABLED PERSON. THE SYMBOL SHALL CONSIST OF A WHITE FIGURE ON A BLUE BACKGROUND. THE BLUE SHALL BE EQUAL TO COLOR NO. 15030 IN FEDERAL STANDARD 595B.
 - ALL SIGNAGE SHALL COMPLY WITH CALIFORNIA BUILDING CODE (CBC) 2016 EDITION, CHAPTER 11B, DIVISION 7, SECTION 11B-103.



11 ROOM SIGNAGE MOUNTING LOCATION
SCALE: 1/2"=1'-0"



10 DOOR SYMBOL & ID SIGN @ ACC. RESTROOM
SCALE: N.T.S.

3 SIGN NOTES
SCALE: N.T.S.



**CITY OF SAN RAFAEL
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PROJECT TITLE AND LOCATION

**ADA RENOVATION
PROJECTS
AT**

**CITY OF SAN RAFAEL
SHORELINE PARK PATHWAY
RESTROOM**

2171 E. FRANCISCO BLVD
SAN RAFAEL, CA 94901

COMMISSIONED ARCHITECT

Sally Swanson Architects, Inc.

500 Sansome St, Suite 410 San Francisco, CA 94111
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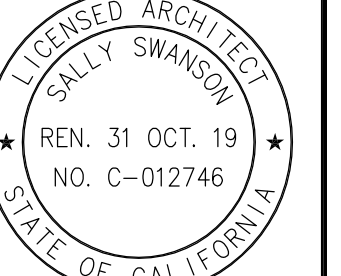
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**Architecture
Planning
Accessible Design**

STAMPS/SEALS

ARCHITECT STAMP



DATE 09-25-2019

CONSULTANT

STAMPS/SEALS

LOCAL AGENCY APPROVAL

ISSUES / REVISIONS

NO.	DESCRIPTION	DATE

SHEET TITLE:

**DEMO & NEW
FLOOR PLANS
AND
INTERIOR ELEVATIONS**

PROJECT NO: 18061.00 PROJECT ARCH: K.W.
DRAWN: T.M. CHECKED: K.W. & S.S.

SHEET NUMBER

A-2.1

DATE: 09.24.2019

SHEET: 3 OF 4

GENERAL NOTES

- COORDINATE DEMOLITION WITH NEW CONSTRUCTION DRAWINGS FOR DEMOLITION, SALVAGE, PROTECTION AND RESTORATION OF (E) ITEMS. CONTRACTOR SHALL VERIFY (E) CONDITION PRIOR TO DEMOLITION COMMENCEMENT. PROCEED WITH CAUTION TO AVOID POSSIBLE (E) UNDERGROUND UTILITY LINES, CONDUIT, PIPING, ETC.
- SEE SHEET **G-03** FOR ACCESSIBILITY COMPLIANCE NOTES.
- SEAL ALL CONDUIT OR PIPE PENETRATIONS AT EACH LOCATION THROUGHOUT PROJECT.
- FOR ALL WALL MOUNTED ITEMS, PROVIDE WOOD BACKING AT ALL WOOD STUD FRAMING U.O.N.
- GENERAL CONTRACTOR TO COORDINATE RECESSED FLOOR ITEMS AND DEPRESSED SLABS PRIOR TO POURING OF CONCRETE.
- REMOVE DISPOSE OR REPLACE ALL OTHER ITEMS NOT SHOWN OR COVERED BY THIS DEMOLITION PLAN WHICH ARE IN CONFLICT WITH THE INTENTION OF THE PROJECT.
- SAWCUT (E) CONCRETE FOR (N) PLUMBING LINE AS NEEDED.
- PATCH AND REPAIR DEMO WALL FINISH TO MATCH (E).
- PATCH AND REPAIR DEMO CEILING FINISH TO MATCH (E).
- PATCH AND REPAIR DEMO FLOOR FINISH TO MATCH (E).
- (N) FLUSH VALVE FOR ALL ADA TOILETS TO BE ON WIDE SIDE. ADJUST (E) PLUMBING LINES AS REQUIRED. FINISH TO MATCH (E).

**DEMOLITION KEY NOTES -
EXISTING FLOOR PLAN**

- REMOVE (E) LAVATORY
- REMOVE (E) GRAB BAR
- REMOVE (E) WATER CLOSET
- REMOVE (E) TOILET PAPER DISPENSER
- REMOVE (E) MIRROR
- REMOVE (E) WALL MOUNTED LIGHT
- REMOVE (E) ELECTRICAL HAND DRYER
- REMOVE (E) THRESHOLD
- REMOVE (E) WALL BASE
- REMOVE (E) DOOR
- REMOVE (E) LIGHTING SWITCH
- ABANDON (E) FLOOR DRAIN
- REMOVE (E) WALL
- REMOVE (E) SIGNAGE
- (E) WINDOW TO REMAIN
- REMOVE AND RELOCATE (E) FLOOR DRAIN AS NEEDED
- (E) LIGHTING SWITCH TO REMAIN
- (E) DEMOLISH (E) CONCRETE ASPHALT

KEY NOTES - NEW FLOOR PLAN

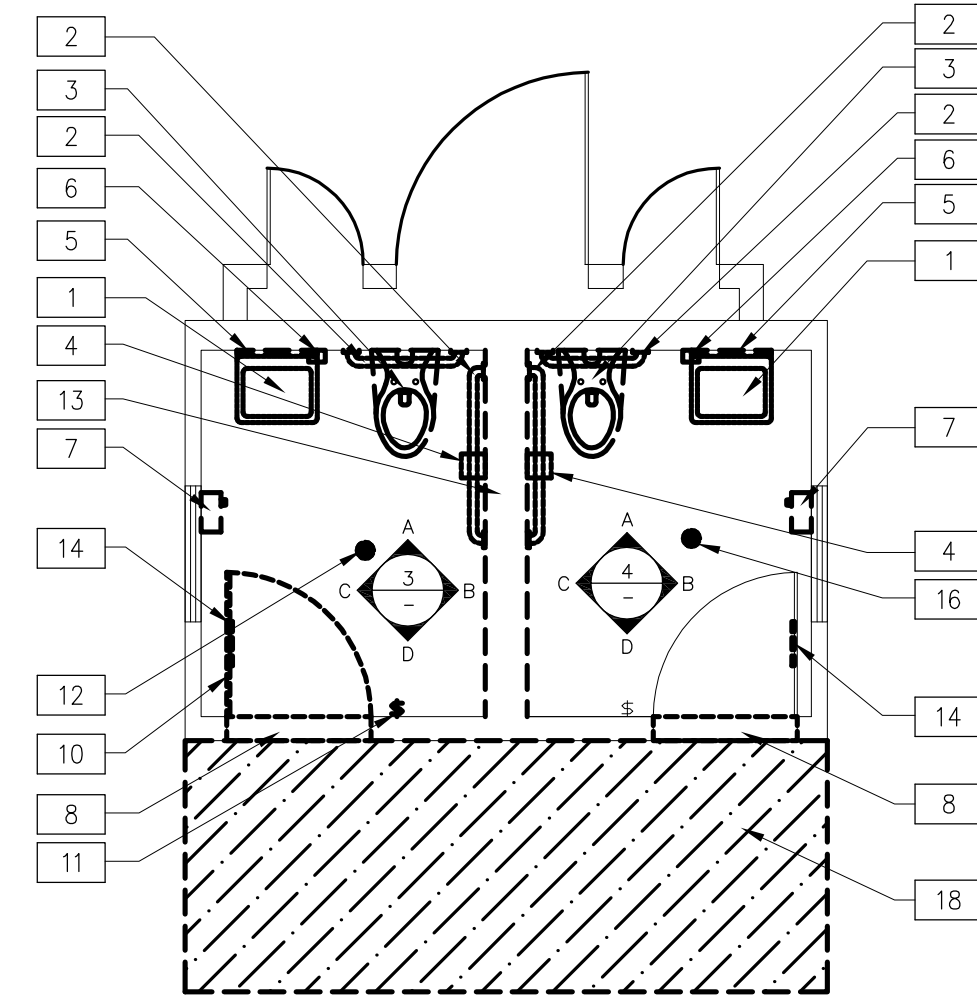
- (N) WATER CLOSET, **SEE 6/G-03**
- (N) GRAB BAR, **SEE 6/G-03**
- (N) 2X4 WALL
- (N) EXTERIOR THRESHOLD, **SEE 2/G-03**
- (N) 2'-4" X 1'-0" DOOR MATCH (E) DOOR HEIGHT, V.I.F.
- (N) LAVATORY, **SEE 1/G-03**
- (N) MIRROR, **SEE 4/G-03**
- (N) URINAL, **SEE 5/G-03**
- (N) TOILET PAPER DISPENSER, **SEE 6/G-03**
- (N) WALL BASE TO MATCH (E)
- (N) SEAT COVER DISPENSER, **SEE 4/G-03**
- (N) HAND SOAP DISPENSER, **SEE 4/G-03**
- (N) BABY CHANGING STATION, **SEE 9/G-03**
- (N) ADA DOOR SIGNAGE, **SEE 14 10/G-03**
- (N) ADA ROOM SIGNAGE, **SEE 14 10/G-03**
- (N) ADA ROOM SIGNAGE, **SEE 11/G-03**
- (N) STAINLESS STEEL SEMI-RECESSED PAPER TOWEL DISPENSER AND WASTE RECEPTACLE, **SEE 4/G-03**
- (N) SANITARY NAPKIN DISPOSAL, **SEE 4/G-03**
- CAP (E) FLOOR DRAIN AND PATCH THE FLOOR AS NEEDED
- (N) EXTERIOR WALL INFILL AT (E) DOOR OPENING
- (N) WALL MOUNTED LIGHT ABOVE THE FLOOR 80" MIN.
- (N) LIGHTING SWITCH, **SEE 8/G-03**
- BUILT UP (E) CONC. FLOOR W/ EPOXY CONC. TO ACHIEVE MAX 2% SLOPE IN ALL DIRECTION, TOWARD DRAIN, RAISE AND/OR RELOCATE FLOOR DRAIN AS NEEDED
- (N) HI-LO DRINKING FOUNTAIN WITH BOTTLE FILLER
- (N) DRINKING FOUNTAIN WING GUARD
- (N) PLUMBING WALL AS NECESSARY
- (N) CONCRETE ASPHALT 2% MAX IN ANY DIRECTIONS

TEXT LEGEND

(E) = EXISTING FIXTURES TO REMAIN, U.O.N. (N) = NEW FIXTURES, U.O.N.

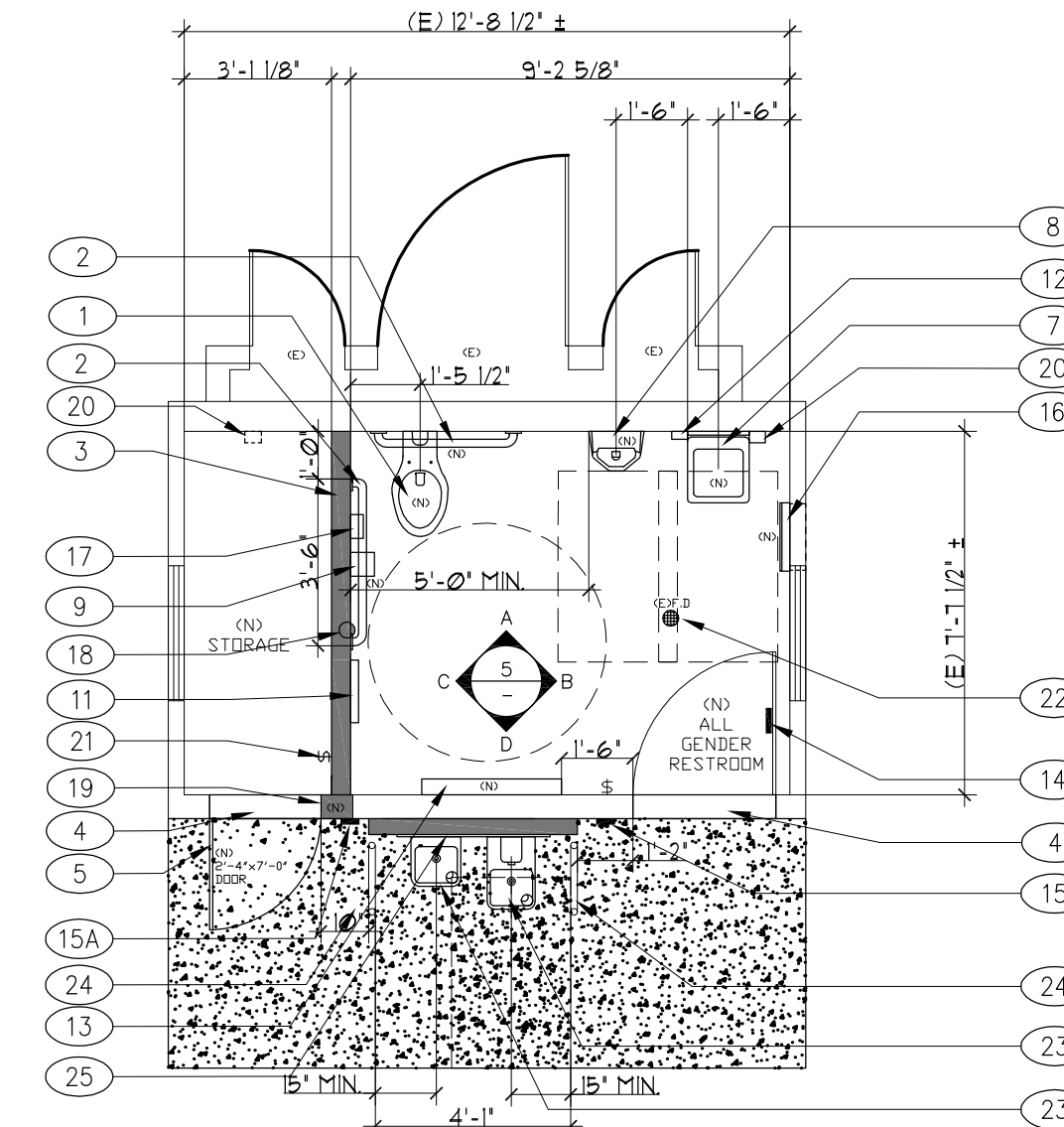
SYMBOL LEGEND

NEW DEMOLITION



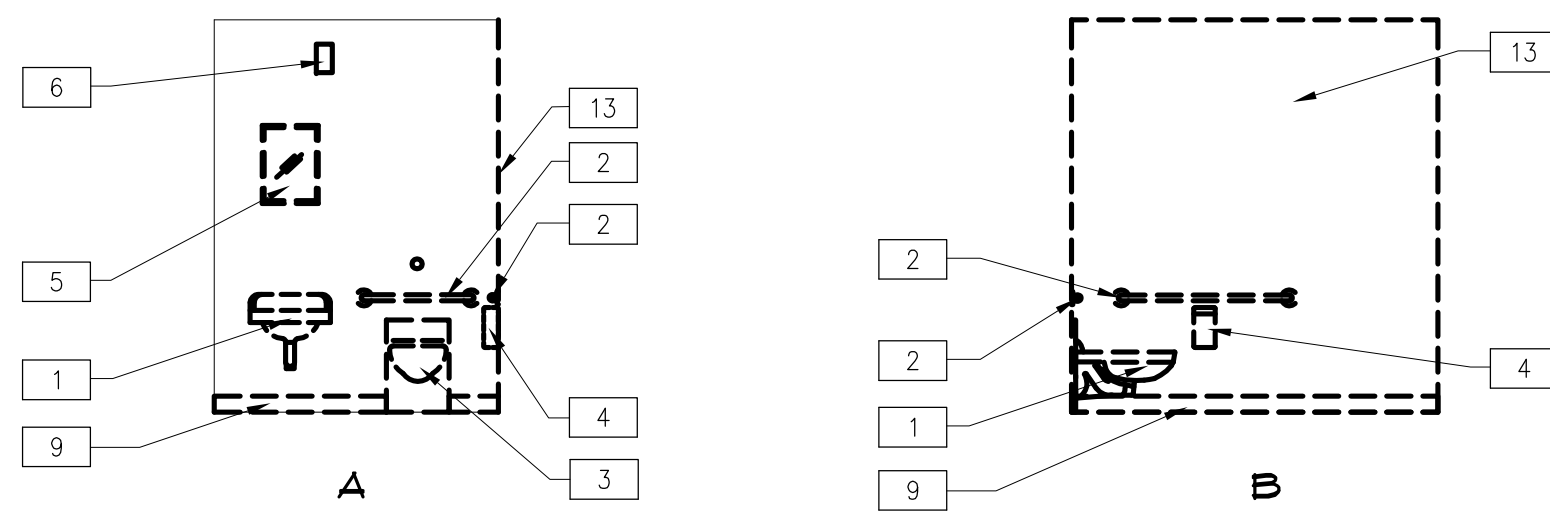
**1 DEMOLITION FLOOR PLAN
MEN & WOMEN RESTROOMS**

SCALE: 1/4"=1'-0"



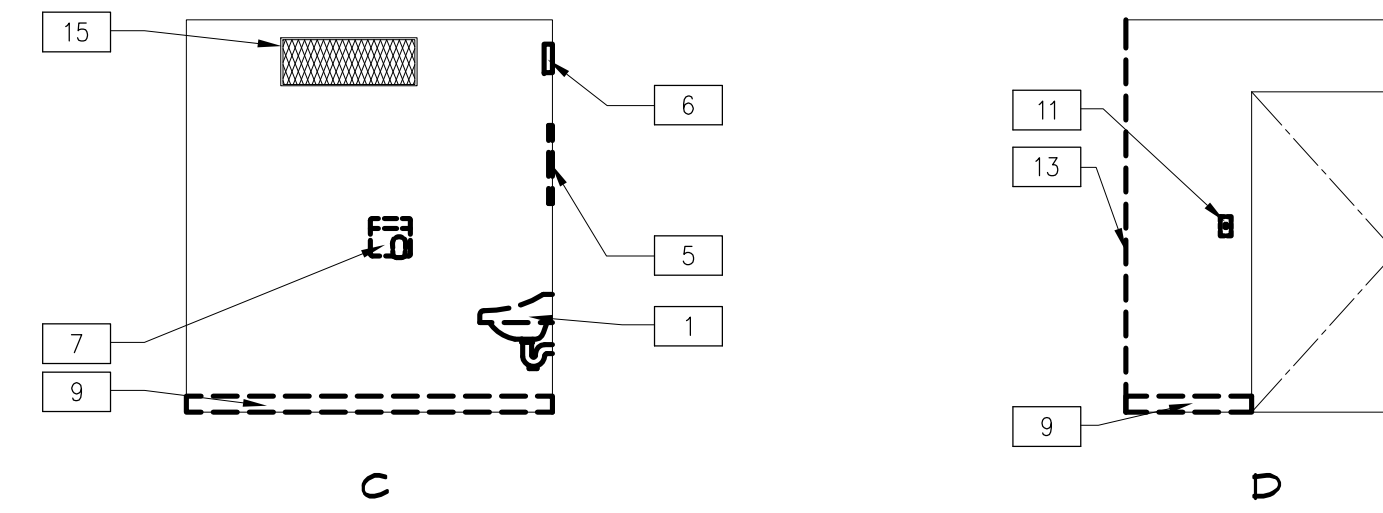
**2 NEW FLOOR PLAN
ALL GENDERS RESTROOM & STORAGE**

SCALE: 1/4"=1'-0"



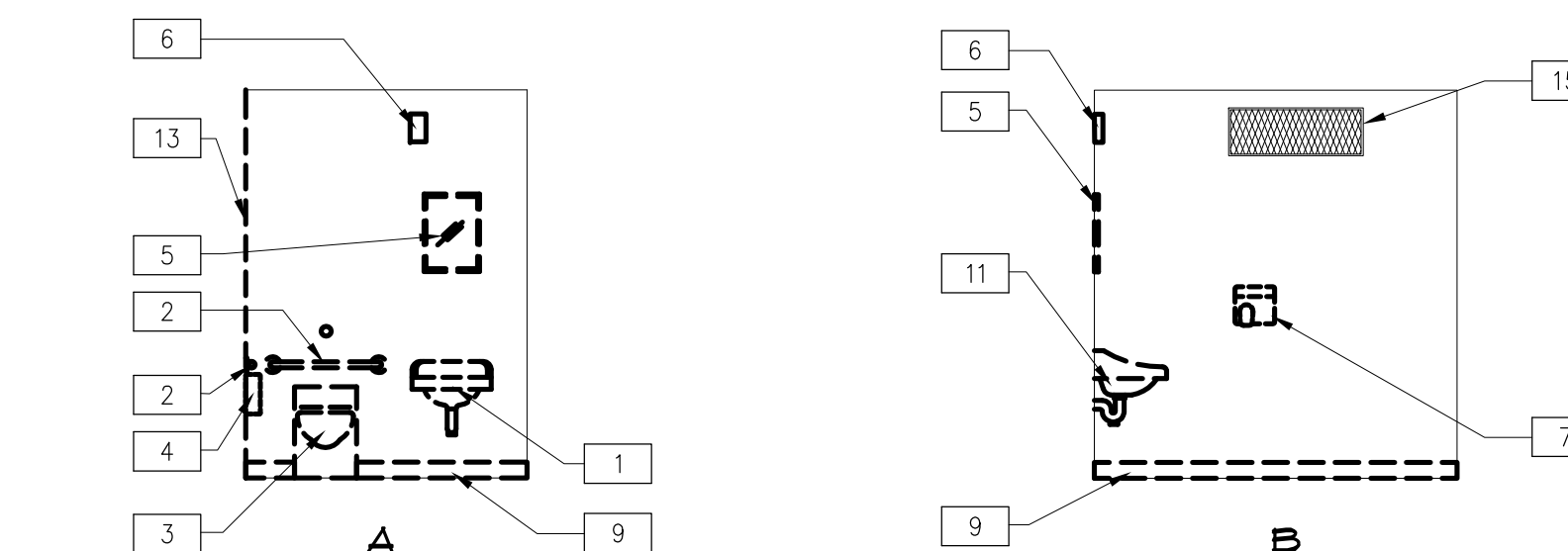
**3 DEMOLITION INTERIOR ELEVATION
WOMEN RESTROOM**

SCALE: 1/4"=1'-0"



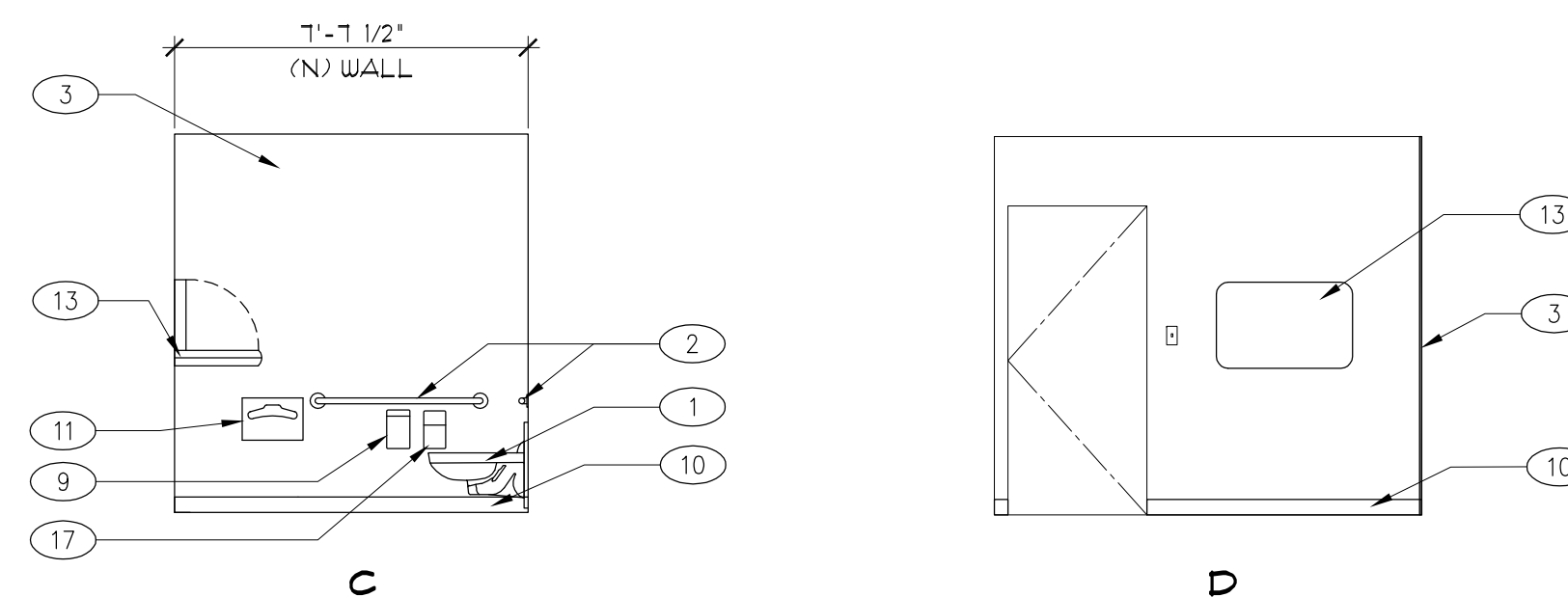
**4 DEMOLITION INTERIOR ELEVATION
MEN RESTROOM**

SCALE: 1/4"=1'-0"



**5 NEW INTERIOR ELEVATION
ALL GENDERS RESTROOM & STORAGE**

SCALE: 1/4"=1'-0"





**CITY OF SAN RAFAEL
DEPARTMENT OF
PUBLIC WORKS**

111 MORPHEW STREET,
SAN RAFAEL, CALIFORNIA 94901
TEL: (415)485-3355
FAX: (415)485-3334

PROJECT TITLE AND LOCATION

**ADA RENOVATION
PROJECTS
AT**

**CITY OF SAN RAFAEL
SHORELINE PARK PATHWAY RESTROOM**

2171 E. FRANCISCO BLVD
SAN RAFAEL, CA 94901

COMMISSIONED ARCHITECT

Sally Swanson Architects, Inc.

500 Sansome St, Suite 410 San Francisco, CA 94111
Tel: 415.445.3045

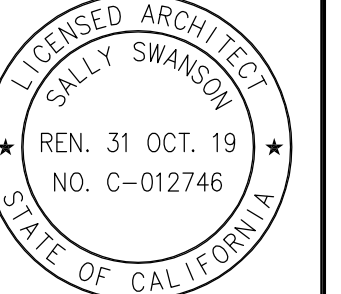
2600 West Olive Ave, 5th Floor
Burbank, CA 91505
Tel: 310.575.2548

800.533.8771 | TTY 711
ssa@swanarch.com

**Architecture
Planning
Accessible Design**

STAMPS/SEALS

ARCHITECT STAMP



DATE 09-25-2019

CONSULTANT

STAMPS/SEALS

LOCAL AGENCY APPROVAL

ISSUES / REVISIONS

NO.	DESCRIPTION	DATE

SHEET TITLE:

**DEMO & NEW
EXTERIOR ELEVATIONS**

PROJECT NO: 18061.00 PROJECT ARCH: K.W.
DRAWN: T.M. CHECKED: K.W. & S.S.

SHEET NUMBER

A-2.2

DATE: 09.24.2019 SHEET: 4 OF 4

GENERAL NOTES

- COORDINATE DEMOLITION WITH NEW CONSTRUCTION DRAWINGS FOR DEMOLITION, SALVAGE, PROTECTION AND RESTORATION OF (E) ITEMS. CONTRACTOR SHALL VERIFY (E) CONDITION PRIOR TO DEMOLITION COMMENCEMENT. PROCEED WITH CAUTION TO AVOID POSSIBLE (E) UNDERGROUND UTILITY LINES, CONDUIT, PIPING, ETC.
- SEE SHEET **G-03** FOR ACCESSIBILITY COMPLIANCE NOTES.
- SEAL ALL CONDUIT OR PIPE PENETRATIONS AT EACH LOCATION THROUGHOUT PROJECT.
- FOR ALL WALL MOUNTED ITEMS, PROVIDE WOOD BACKING AT ALL WOOD STUD FRAMING U.O.N.
- GENERAL CONTRACTOR TO COORDINATE RECESSED FLOOR ITEMS AND DEPRESSED SLABS PRIOR TO POURING OF CONCRETE.
- REMOVE DISPOSE OR REPLACE ALL OTHER ITEMS NOT SHOWN OR COVERED BY THIS DEMOLITION PLAN WHICH ARE IN CONFLICT WITH THE INTENTION OF THE PROJECT.
- SAWCUT (E) CONCRETE FOR (N) PLUMBING LINE AS NEEDED.
- PATCH AND REPAIR DEMO WALL FINISH TO MATCH (E).
- PATCH AND REPAIR DEMO CEILING FINISH TO MATCH (E).
- PATCH AND REPAIR DEMO FLOOR FINISH TO MATCH (E).
- (N) FLUSH VALVE FOR ALL ADA TOILETS TO BE ON WIDE SIDE. ADJUST (E) PLUMBING LINES AS REQUIRED. FINISH TO MATCH (E).

**DEMOLITION KEY NOTES -
EXISTING FLOOR PLAN**

- REMOVE (E) DOOR
- REMOVE (E) SIGNAGE
- REMOVE (E) WOOD TRIM
- REMOVE AND RELOCATE (E) SIGN

KEY NOTES - NEW FLOOR PLAN

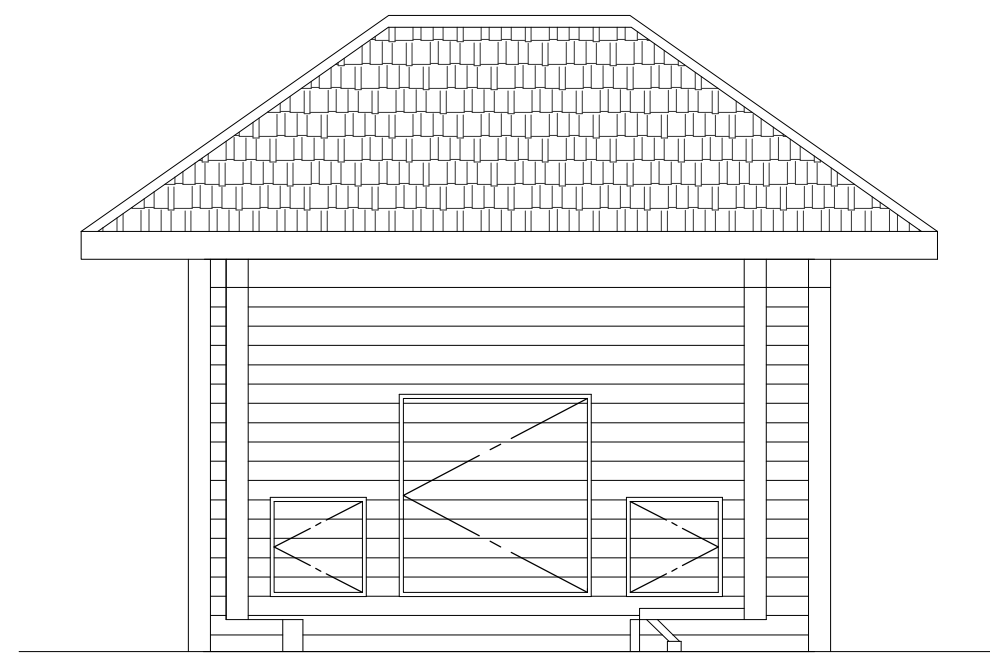
- (N) 3'-0" x 7'-0" DOOR MATCH (E) DOOR HEIGHT, V.I.F.
- (N) HI-LO DRINKING FOUNTAIN WITH BOTTLE FILLER
- (N) DRINKING FOUNTAIN WING GUARD
- (N) PLUMBING WALL AS NECESSARY
- (N) ADA DOOR SIGNAGE **SEE T4 10/G-03**
- (N) ADA ROOM SIGNAGE **SEE T4 10/G-03**
- (N) ADA ROOM SIGNAGE **SEE 11/G-03**
- (N) 2'-4" x 7'-0" DOOR MATCH (E) DOOR HEIGHT, V.I.F.
- (N) WOOD TRIM TO MATCH (E)
- RELOCATED (E) SIGNAGE

TEXT LEGEND

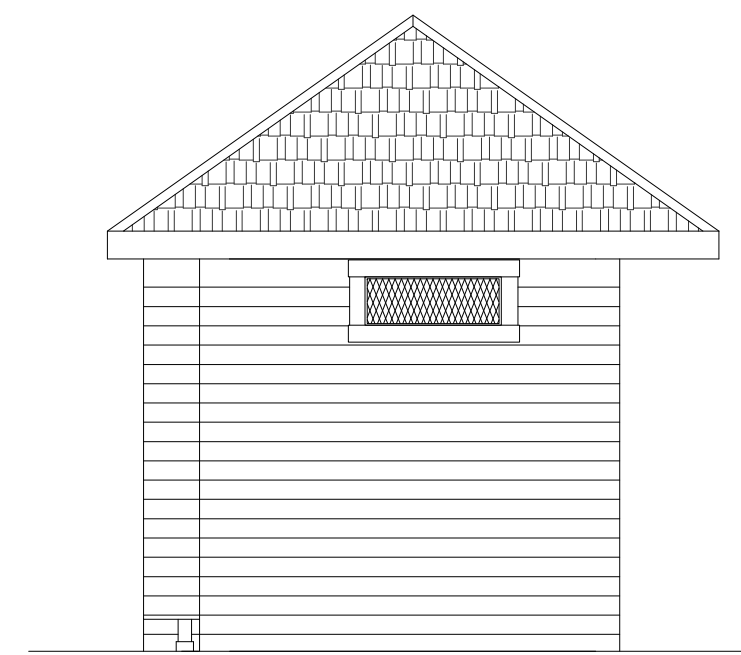
(E) = EXISTING FIXTURES TO REMAIN, U.O.N. (N) = NEW FIXTURES, U.O.N.

SYMBOL LEGEND

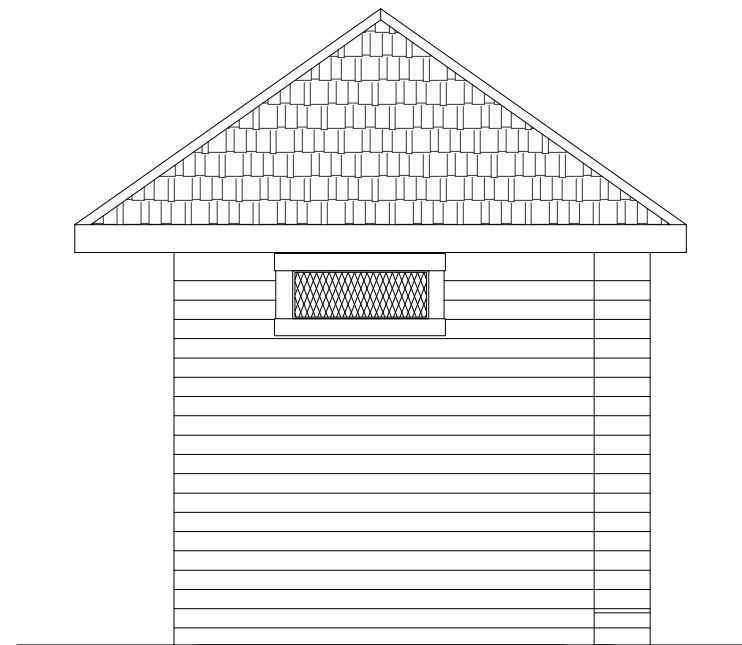
[Solid Line] NEW [Dashed Line] DEMOLITION



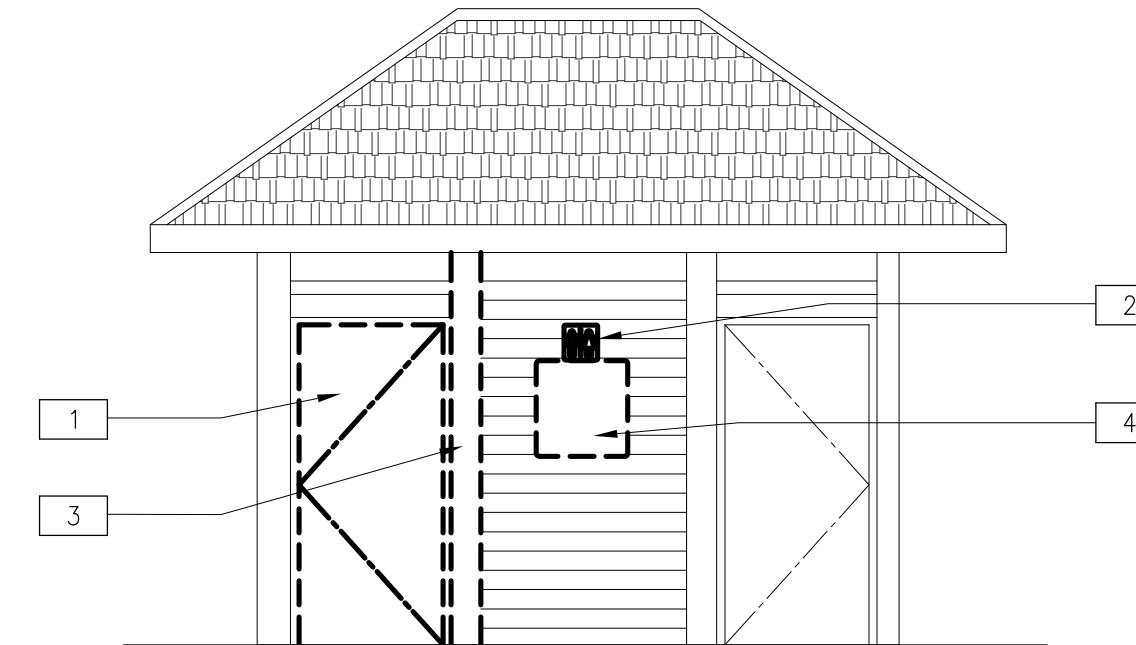
A



B



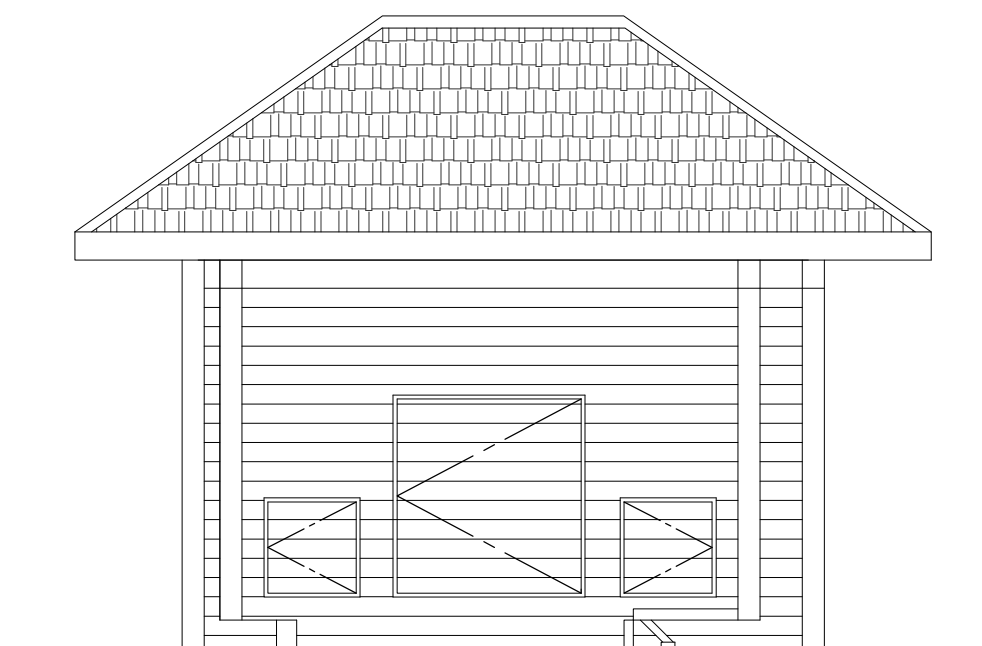
C



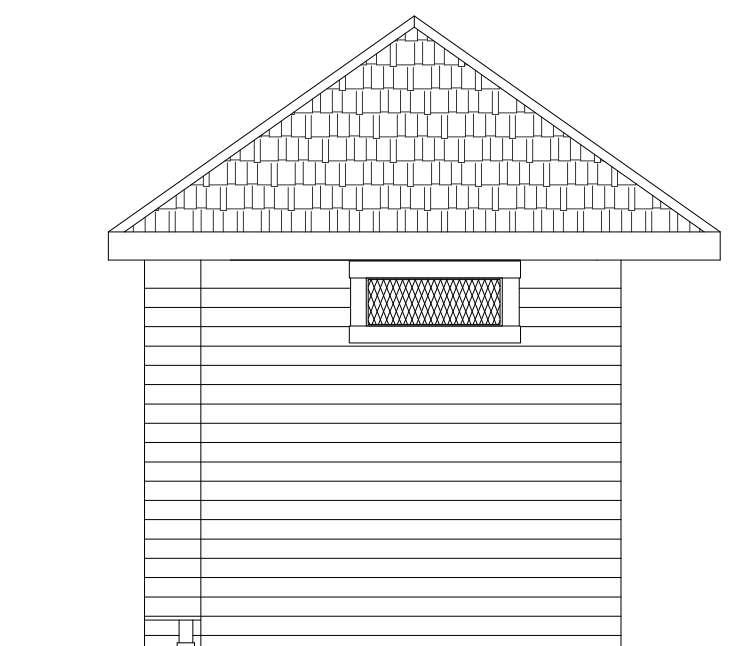
D

**1 DEMOLITION EXTERIOR ELEVATION
SAN RAFAEL SHORELINE PARK PATHWAY RESTROOM**

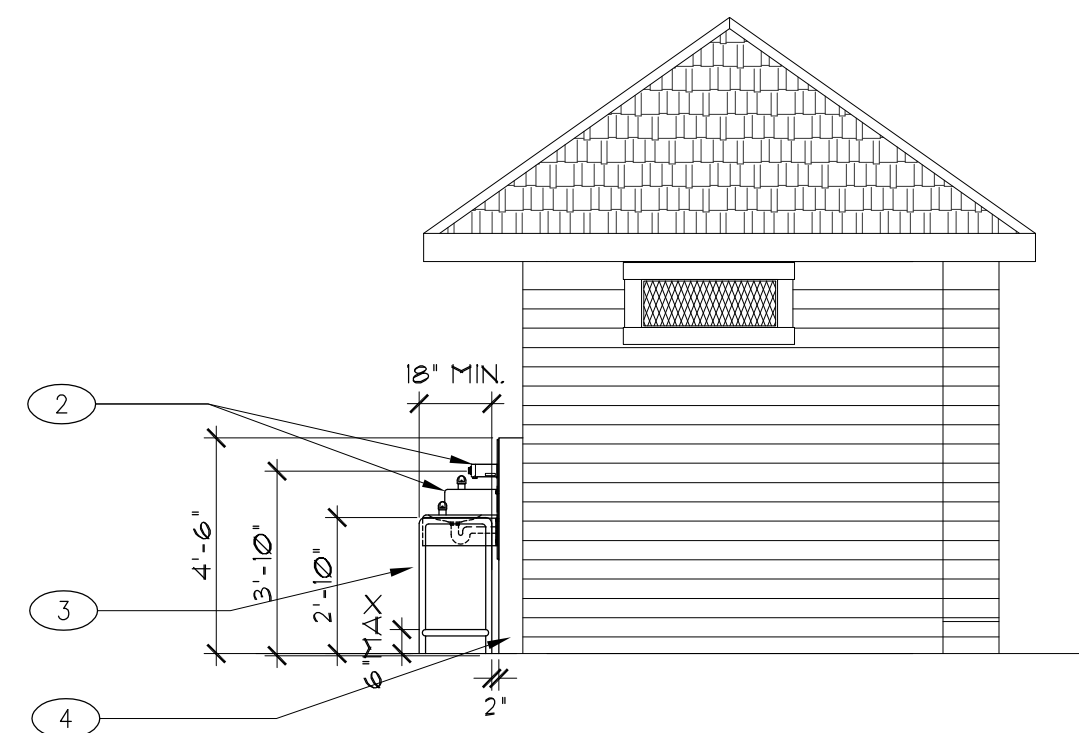
SCALE: 1/4"=1'-0"



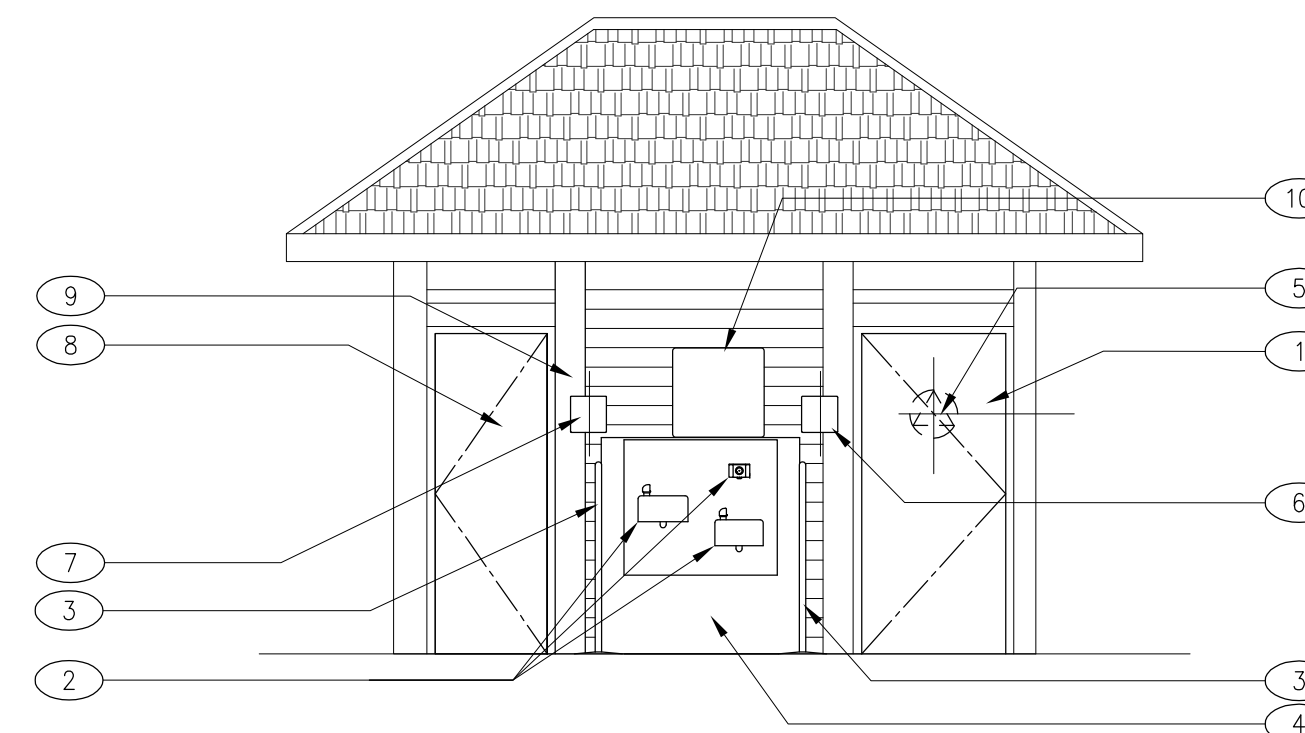
A



B



C



D

**2 NEW INTERIOR ELEVATION
ALL GENDERS RESTROOM & STORAGE**

SCALE: 1/4"=1'-0"

From: [Thomas Wong](#)
To: [Fabiola Guillen-Urfer](#)
Subject: Fwd: Starkweather Park Restroom Status Update
Date: Monday, January 29, 2024 9:52:18 PM
Attachments: [Stamped Set Shoreline Park Restroom City of San Rafael.pdf](#)
[Outlook-DPW Logo -.png](#)
[image002.png](#)
[image001.png](#)

Get [Outlook for Android](#)

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Friday, October 18, 2019 5:07:11 PM
To: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Please find attached final drawings that have been stamped by the architect. They have incorporated the ADA compliant fountain/bottle filler as previously discussed. We recently added this project to another project that went out to bid but did not receive any bids that were satisfactory. We intend to rebid it shortly with the hopes of getting a more competitive bid. If we cannot get a bid that is within our budget we may have our own crews perform the work. I will keep you posted on the bidding process.

I am copying Faby, our Project Manager on the bathroom who will be coordinating the construction. Please include her in future correspondence as she will be able to answer any questions that may arise.

Best,
Thomas

Thomas Wong | [City of San Rafael](#)
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



**DEPARTMENT OF
PUBLIC WORKS**

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>

RED Exhibit B3

Sent: Thursday, August 29, 2019 2:10 PM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: RE: Starkweather Park Restroom Status Update

Great. In that case, the plans are approved on the condition that you amend the plans to include the water bottle/drinking fountain fixture and resubmit for final review.

Best Regards,

MATTHEW TRUJILLO
Enforcement Analyst
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdc.ca.gov

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Thursday, August 29, 2019 2:05 PM
To: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Yes, the City would be amenable to installing a dual water bottle/drinking fountain in front of the restroom.

Best,
Thomas

Thomas Wong | City of San Rafael
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



**DEPARTMENT OF
PUBLIC WORKS**

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Thursday, August 29, 2019 1:56:17 PM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: Starkweather Park Restroom Status Update

Hi Thomas,

RED Exhibit B3

Would the city be amenable to providing a water bottle filling station in combination with one of the drinking fountains? It should come in handy for bikers and urban hikers coming off the RSR Bridge on their way into San Rafael and beyond and for watersports-persons launching from or landing at the park.

Best Regards,

MATTHEW TRUJILLO
Enforcement Analyst
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdca.gov

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Friday, August 2, 2019 1:27 PM
To: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdca.gov>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Please find attached the plans for the interior remodel of the bathroom as well as the addition of an exterior drinking fountain. We had previously discussed a wash station or similar but our consultant advised that it would be difficult to do behind the structure due to ADA requirements. In lieu of that we have detailed two ADA drinking fountains in front of the bathroom. Please let me know what else we need to do to start the review process with your staff.

Thanks,
Thomas

Thomas Wong | **City of San Rafael**
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



**DEPARTMENT OF
PUBLIC WORKS**

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdca.gov>
Sent: Friday, May 31, 2019 9:25:58 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Thanks, Thomas.

Best Regards,

MATTHEW TRUJILLO
Acting Principal Enforcement Analyst
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdca.gov
<http://bcdca.gov/enforcement>

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Date: Friday, May 31, 2019 at 9:11 AM
To: "Trujillo, Matthew@BCDC" <Matthew.Trujillo@bcdca.gov>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Just to give you a quick update after we last spoke. We just signed a contract to have our architects complete exterior elevations as well as design for a fountain. We are hoping to have the complete set of plans done and submitted by the end of next month, nearly entirely dependent on our architects availability. I will let you know when we are ready to submit.

Thanks,
Thomas

Thomas Wong | [City of San Rafael](#)
Junior Engineer
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



DEPARTMENT OF
PUBLIC WORKS

From: Thomas Wong
Sent: Wednesday, May 22, 2019 9:19:27 AM
To: Trujillo, Matthew@BCDC
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

RED Exhibit B3

We are indeed remodeling the existing bathroom. We hired an architect to design it and to make sure that all ADA requirements are met (see attached). They have furnished us a complete design and we are actively looking for a contractor. Like many of our other small projects in the City right now, we are having a difficult time finding anyone to do the job. We are working to try and group a few small projects together to hopefully entice someone to take on the project. At the same time we are meeting to discuss whether or not we have the capacity within the city, to have one of our facilities crews do the remodel.

While we continue to find a contractor, we are also working with our co-permittee to resolve some easement issues regarding our sewer lateral that currently runs across their property.

We still anticipate that we will be able to complete the project this summer as previously planned and have continued to provide an ADA accessible bathroom onsite in the interim.

On a separate note, can you provide me any information regarding our amendment to the permit regarding reasonable hours? I believe the permit was amended and then we submitted a formal request but I did not receive a response on the outcome of the request to set reasonable park hours.

If you have any further questions please let me know.

Thanks,
Thomas

Thomas Wong | City of San Rafael
Junior Engineer
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Tuesday, May 21, 2019 3:31:43 PM
To: Thomas Wong
Subject: Starkweather Park Restroom Status Update

Hi Thomas,

I am circling back with you to inquire about the status of the permanent restroom at Starkweather Park. When we last spoke, I was informed that the City would be reconditioning the existing restroom and opening it up for public use pursuant with the permit. What is the current status?

Best Regards,

RED Exhibit B3

MATTHEW TRUJILLO

Acting Principal Enforcement Analyst

BCDC Enforcement Unit

(415) 352-3633

Matthew.Trujillo@bcdc.ca.gov

<http://bcdc.ca.gov/enforcement>

375 Beale Street, Suite 510 San Francisco, California 94105 tel 415 352 3600 fax 415 352 3606
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Via Electronic Mail

January 30, 2024

City of San Rafael
111 Morphew Street
San Rafael, CA 94901
ATTN: April Miller, Director of Public Works
Email: April.Miller@cityofsanrafael.org

SUBJECT: BCDC Enforcement Case ER2015.024.00: Commencement of Formal Enforcement Proceeding

Dear April Miller:

The Executive Director is commencing Commission enforcement proceedings in accordance with Sections 11321 through 11334 of the Commission's regulations because he has determined that you have not made a good-faith effort to correct the failure to maintain the public restrooms at Starkweather Park as required by BCDC Permit 1978.028.05, Special Condition II.B.4, Maintenance.

Please review the enclosed Violation Report and Complaint and its attachments, the Statement of Defense form and the Commission's enforcement regulations. Once you have had a chance to review this information, please feel free to contact me if you would like to discuss the permit application filing process and the enforcement process.

We look forward to assisting you in resolving this enforcement matter. You can reach me by phone by calling 415-352-3609 or by email at adrienne.klein@bcdc.ca.gov.

Respectfully,

DocuSigned by:

7A7D306B857043F...

ADRIENNE KLEIN
Principal Enforcement Analyst
San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105



City of San Rafael
Enforcement Case No. ER2015.024.00

Page 2

Tel: 415-352-3609

Email: adrienne.klein@bcdc.ca.gov

Website: www.bcdc.ca.gov

AK/mm

cc: Fabiola Guillen-Urfer, Sr. Project Manager, Dept. of Public Works, City of San Rafael;
fabiola.guillenurfer@cityofsanrafael.org
Cristine Alilovich, City Manager, City of San Rafael; cristine.alilovich@cityofsanrafael.org

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510 San Francisco, California 94105 tel 415 352 3600 fax 415 352 3606

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Number: ER2015.024.00

Permit Number: 1978.028.05

Date Mailed: January 30, 2024

35th Day after Mailing: March 5, 2024

60th Day after Mailing: March 30, 2024

Enforcement Committee Hearing Date: March 27, 2024

VIOLATION REPORT/COMPLAINT FOR THE ADMINISTRATIVE IMPOSITION OF CIVIL PENALTIES: CITY OF SAN RAFAEL

Guidance to Respondent(s)

FAILURE TO RESPOND TO THIS VIOLATION REPORT/COMPLAINT FOR THE ADMINISTRATIVE IMPOSITION OF CIVIL PENALTIES BY COMPLETING THE ENCLOSED STATEMENT OF DEFENSE FORM AND ENCLOSING ALL PERTINENT DECLARATIONS UNDER PENALTY OF PERJURY, PHOTOGRAPHS, LETTERS AND OTHER WRITTEN DOCUMENTS COULD RESULT IN A CEASE AND DESIST ORDER, A PERMIT REVOCATION ORDER, OR A CIVIL PENALTY ORDER BEING ISSUED TO YOU OR IN A SUBSTANTIAL ADMINISTRATIVE CIVIL PENALTY BEING IMPOSED ON YOU WITHOUT YOUR HAVING AN OPPORTUNITY TO CONTEST THEM OR TO INTRODUCE ANY EVIDENCE.

The San Francisco Bay Conservation and Development Commission is issuing this violation report/complaint for the administrative imposition of civil penalties and the enclosed statement of defense form because the Commission's staff believes that you may be responsible for or involved with a possible violation of either the Commission's laws or a Commission permit. The report contains a brief summary of all the pertinent information that staff currently has concerning the possible violation and references to all pertinent evidence that the staff currently relies on. All the evidence that this report refers to is available in the enforcement file for this matter located at the Commission's office or to have copies made at your expense or both contacting Adrienne Klein of the Commission's staff at telephone number 415-352-3609. The staff also intends that the report inform you of the nature of the possible violation so that you can fill out the enclosed statement of defense form and otherwise be prepared for the Commission enforcement proceedings.

Receipt of the report and the enclosed statement of defense form is the first step in formal Commission enforcement proceedings. Subsequently, either the Commission or its enforcement committee may hold an enforcement hearing and the Commission will determine what, if any, enforcement action to take.

Careful reading and a timely response to these materials is essential to allow you to present your side of the case to the Commission. A copy of the Commission's enforcement regulations



is also included so that you can fully understand the Commission's enforcement procedures. If you have any questions concerning either the violation report, the enclosed statement of defense form, the procedures that the Commission and its enforcement committee follow, or anything else pertinent to this matter, you should contact as quickly as possible Adrienne Klein of the Commission's staff at telephone number 415-352-3609. Thank you for your cooperation.

Violation Report and Complaint for Administrative Civil Liability

1. Person or persons believed responsible for illegal activity:

City of San Rafael

2. Brief description of the nature of the illegal activity:

Failure to maintain a public restroom in violation of Special Condition II.B.4 of Permit 1978.028.05. (Exhibits 1A-C).

3. Description of and location of property on which illegal activity occurred:

In the permit-required public access area, at Starkweather Park on Francisco Blvd, in the City of San Rafael, Marin County (APN 009-161-54) (Exhibits 2A-D, 3 and 6).

4. Name of owner, lessee (if any), and other person(s) (if any) who controls property on which illegal activity occurred:

City of San Rafael

5. Approximate date (and time if pertinent and known) illegal activity occurred:

Precise date of occurrence is unknown; however, per Respondent, the condition at issue is known to have occurred shortly after September 26, 1985. Therefore, the restroom has been consistently closed for not less than 37 years, from approximately January 1, 1986, continuing through the present. (Exhibit 10)

6. Summary of all pertinent information currently known to the staff in the form of proposed findings with references to all pertinent supporting evidence contained in the staff's enforcement file (The file is available at the Commission's offices for you to review. You should call the above listed staff enforcement officer to arrange to review or copy the file.):

- A. On June 13, 1979, BCDC issued Permit 1978.028.00 to Roots Construction Company, Inc. to authorize fill placement for paved roads and parking for an adjacent commercial use. In addition to the originally required public access, a public restroom requirement was added, among other new public access improvements, to Amendment No. Two (Permit 1978.028.02), which otherwise authorized a portion of two commercial buildings in the shoreline band.



- a. The permit was most recently amended on May 5, 2017 (Amendment No. Five, Permit 178.028.05). At this time, the City of San Rafael was added as a co-permittee along with Roots Construction.
 - b. Special Condition II.B.3, Public Access Improvements, required the original permittee to provide a public restroom that shall be open to the public prior to the use of any commercial facility, which commercial facility has been in use since at least 1987. This requirement was met.
 - c. Special Condition II.B.4, Maintenance, requires Respondent to permanently maintain the required public access improvements. It provides in relevant part that the original permittee may transfer maintenance responsibility to a public agency (i.e., the City of San Rafael) to be bound by all conditions of this amended permit. (Exhibit 4)
- B. On April 18, 1980, the original permit was recorded in the Official Records of Marin County as Instrument No. 15417 (Book 3704, Page 528). (Exhibit 5)
 - C. On March 3, 1983, the owners of the property in question: Joe and Haidy Shekou granted Parcels One and Two to the City of San Rafael, which include the shoreline areas of the project site subject to the public access provisions of the permit. (Exhibit 6)
 - D. On May 16, 1983, the City of San Rafael accepted the grant deed conveyance of a shoreline band and an easement for public access purposes in the Bay Park subdivision, as executed by Joe and Haidy Shekou on March 3, 1983. (Exhibit 6)
 - E. On July 29, 1984, BCDC staff approved public access plans associated with permit Amendment No. Two, including for the public restroom. (Exhibit 7)
 - F. On December 2, 1985, Joe Shekou signed and submitted a Notice of Completion stating the work authorized by Permit 1978.028.03 had been completed on September 26, 1985. (Exhibit 8)
 - G. On March 27, 1986, BCDC approved a partial assignment adding the City of San Rafael as a co-permittee in addition to original permittee Roots Construction Company, Inc. In the letter approving the partial assignment, BCDC staff states that its records and a site inspection indicate that the City is in full compliance with the terms and conditions of its permit. (Exhibit 9)
 - H. Sometime shortly after March 27, 1986, the City closed the public restroom, and it has remained closed for approximately 37 years since that time. (Exhibit 10)
 - I. On July 20, 2015, the City submitted a request to amend its permit to remove the public restroom. (Exhibit 10.5)
 - J. On October 19, 2015, BCDC staff opened Enforcement Case ER2015.024.00 due to the closed public restroom and other violations of Special Conditions II.B.3 and II.B.4

regarding public access improvements and maintenance of the public access improvements required by BCDC Permit M1978.028.05. (Exhibits 11 & 12)

- K. On November 21, 2016, BCDC staff Matthew Trujillo issued a notice of five violations to the City of San Rafael Public Works Department for, among others, a violation involving the failure to maintain the permanent public restroom as required by BCDC Permit 1978.028.03, Special Condition II.B.4. This letter commenced accrual of standardized administrative fines. By April 2017, Respondent had resolved four of the five violations without accruing standardized administrative fines. (Exhibits 12 & 12.5)
- L. On December 22, 2016, the City of San Rafael installed a portable restroom and handwashing station north of the permanent restroom. (Exhibit 13)
- M. By letter dated January 19, 2017, Mr. Trujillo issued a letter to Kevin McGowan, Assistant Public Works Director/City Engineer, stating that with the installation of the portable restroom and handwashing station, staff had determined that the restroom violation to be provisionally resolved, temporarily halting standardized fine accrual, through no later than June 30, 2017, by which time the permanent restroom was to be open to the public or standardized fines would recommence accruing. (Exhibit 13)
- N. By letter dated July 28, 2017, Mr. Trujillo issued a letter to Bill Guerin, Director of Public Works, stating, in relevant part, that as the restroom remained closed, that the provisional resolved status of the case was being rescinded and that the standardized fines had accrued to \$18,400 and would continue to accrue at a rate of \$100/day for each day that the violation remained unresolved to the administrative maximum of \$30,000. Mr. Trujillo informed the City that if its request to eliminate the restroom was not approved by the Commission, staff may commence a formal enforcement proceeding. (Exhibit 14)
- O. Shortly before January 17, 2018, the City of San Rafael withdrew its request to amend its permit to remove the public restroom request and informed BCDC staff that it would provide the public with a restroom but that it was deciding whether to refurbish the existing restroom or to construct a new restroom, such as a vault toilet. (Exhibit 14.5)
- P. On April 16, 2018, the City of San Rafael issued a Request for Proposal (RFP) for Engineering Design Services for the Jean and John Starkweather Shoreline Park Bathroom Upgrade to upgrade the permanent restroom required to be provided and maintained by Special Conditions II.B.3 and II.B.4 of the permit. (Exhibit 15.A)
- Q. By letter dated June 28, 2018, Mr. Wong, on behalf of the City, submitted a letter to BCDC staff stating that it intended to construct a single occupancy ADA compliant vault style restroom with a 1,000-gallon concrete waste vault to be regularly serviced. To its letter, the City attached: 1. Photos of a similar restroom at another location along the SF Bay shoreline, 2. CXT Cascadian Vault Restroom Specifications, and 3. CXT Cascadian Vault Restroom Elevations and Floor Plans. This plan was later superseded by new plans as described in Findings V and W. (Exhibit 15.B)

- R. By letter dated July 16, 2018, Mr. Wong answered a series of questions posed by Mr. Trujillo in response to the City's restroom proposal. (Exhibit 15.C)
- S. By letter dated August 15, 2018, Mr. Trujillo informed Mr. Wong that BCDC was generally in favor of the City's proposal but directed the City to revise its proposal so that the vault toilet would provide the same or better public benefit as the existing, plumbed and approved restroom required by Special Condition II.B.3 of the permit. Mr. Trujillo reminded the City that the approved plans require two restrooms, each equipped with a plumbed toilet and handwashing basin whereas the current proposal is for a single, unplumbed, ADA-compliant vault toilet with no handwashing basin. Mr. Trujillo stated, therefore, that the City's proposal would need to be modified to provide additional amenities to offset the reduction in the number of toilets and basins. He suggested a dog-friendly drinking fountain and water bottle filling station. (Exhibit 15.D)
- T. On August 2, 2019, the City submitted revised restroom plans, dated June 19, 2019, to construct a single, plumbed ADA restroom with handwash basin in the existing building with exterior lighting and a dual level ADA drinking fountain. (Exhibit 15.E)
- U. Between May 21, 2019, and June 24, 2020, Mr. Trujillo regularly checked in with the City about the status of work needed to render the plumbed restroom functional so that the City could open it to the public. (Exhibit 16.A-B and 17.B)
- V. On October 18, 2019, the City submitted stamped restroom plans, dated September 25, 2019, to construct a single, plumbed ADA restroom with handwash basin in the existing building with exterior lighting and a dual level ADA drinking fountain. (Exhibit 17.A)
- W. On December 2, 2019, BCDC staff conditionally approved revised City's restroom reconstruction plans to construct a single, plumbed ADA restroom with handwash basin in the existing building with exterior lighting and a dual level ADA drinking fountain. (Exhibit 17.B)
- X. On November 24, 2020, BCDC Analyst John Creech, notified the City that he was the BCDC point of contact for ongoing condition compliance with respect to Special Condition II.B.4 of the permit. He began an almost monthly check in with the City to request progress on the restroom reconstruction and re-opening project. (Exhibit 18)
- Y. In response to a prompt from BCDC Analyst John Creech, on January 21, 2021, City of San Rafael Analyst Tom Wong stated that construction on the restroom had commenced. (Exhibit 18)
- Z. In response to a prompt from Mr. Creech, on February 16, 2021, City of San Rafael Senior Project Manager Fabiola Guillen stated that the project was still under construction, unforeseen conditions due to old utilities had been discovered, that PG&E and Marin Municipal Water District would need to be involved, that the pandemic has impacted agency response capacity and that she expected the project duration to be extended. (Exhibit 18)

- AA. In response to a prompt from Mr. Creech, on March 4, 2021, Ms. Guillen stated that the renovation was progressing, that the City was in the process of submitting new service applications to the aforementioned agencies plus the San Rafael Sanitation District (SRSD), that the plumbing and electrical inspections had passed, and that re-opening might occur in the summer. (Exhibit 18)
- BB. In response to a prompt from Mr. Creech, on April 30, 2021, Ms. Guillen stated that the renovation was complete, the ADA improvements and lighting had been installed but that the utility connections were not in place and preventing the building from opening. Ms. Guillen stated that applications for new service with PG&E, MMWD and SRSD would be initiated shortly and that she would prefer not to issue an opening date for the restrooms. (Exhibit 18)
- CC. In response to a prompt from Mr. Creech, on May 27, 2021, Ms. Guillen stated that the City was working with PG&E to bring permanent service to the restroom site. (Exhibit 18)
- DD. In response to a prompt from Mr. Creech, on June 28, 2021, Ms. Guillen stated that PG&E requested more information to continue the new service application. (Exhibit 18)
- EE. On July 22, 2021, Ms. Guillen informed Matthew Trujillo that the City had received confirmation that PG&E was processing its application and that it will be at least four months before they respond. (Exhibit 18)
- FF. In response to a prompt from Mr. Creech, August 3, 2021, Ms. Guillen restated information that she has previously communicated and said that following application processing by PG&E, there would be time to install service. (Exhibit 18)
- GG. In response to two prompts from Mr. Creech, on October 13, 2021, Ms. Guillen stated that PG&E is behind with the City's service application. (Exhibit 19)
- HH. In response to two prompts from Mr. Creech, on December 6, 2021, Ms. Guillen stated that the City continued to wait on utility companies for connection. (Exhibit 19)
- II. In response to a prompt from Mr. Creech, on March 1, 2022, Shawn Graf, EIT, LSIT, Assistant Engineer, stated PG&E would be invoicing the City for an engineering advance to enable the estimating team to look at the project, following which, Ms. Graf reported, PG&E had reported it would then take five to eight months to start work once the construction contract was paid for and in place. Ms. Graf also stated that the City was working with the water and sanitation districts on the wet utilities. (Exhibit 19)
- JJ. By email dated March 16, 2022, Mr. Creech asked the City to confirm his understanding that the restrooms would not be open for up to eight more months and expressing concern that despite having been in constant communication with the City since March 2020, this was the first time he had heard that it would take another eight months to open the restrooms. (Exhibit 20)

- KK. By email also dated March 16, 2022, Ms. Graf stated that the eight-month timeline is based on PG&E's estimating, design, and construction schedule, there is currently no power to the restroom and to obtain power the City, PG&E must drop a power line from a pole and run conductors and conduit from the pole to the restroom. Ms. Graf stated that the City is working with SRSD to obtain a sewer connection permit and with MMWD to obtain a new water service. She noted that the wet utilities do not have as long of lead times as PG&E. (Exhibit 20)
- LL. In response to a request from Mr. Creech to name a due date to open the restrooms, on March 17, 2022, Ms. Graf stated she would like to have the restroom open in early 2023. (Exhibit 20)
- MM. By letter dated March 25, 2022, apparently having forgotten that it had issued a notice of violation on November 21, 2016 (Exhibit 12), BCDC staff issued a second (new) notice of violations that commenced an administrative civil penalty clock against the City of San Rafael and Roots Construction Company, Inc., for a single violation, the failure to provide the permanent public restroom as required by BCDC Permit 1978.028.05, Special Condition II.B.4.¹ (Exhibit 21)
- NN. By email dated March 28, 2022, Mr. Guerin, Director of Public Works, thanked BCDC for its letter, stating that the City expected to connect the sanitary force main on East Francisco Boulevard, which he stated was in the process of being replaced, to the updated restroom in the summer and that the City would provide more detail soon. (Exhibit 22)
- OO. On April 29, 2022, Mr. Guerin submitted a letter to BCDC with a chronology of actions taken by the City to promote the opening of the closed restroom. (Exhibit 23)
- PP. On January 3, 2023, during a telephone conversation, Ms. Graf informed Mr. Creech that the City had updated the restroom to ADA compliance, reinstalled the water service, rehabilitated the sewer lateral and replaced the sewer ejection pump, updated the electrical components, and have since installed a meter pedestal and bored conduit from the PG&E service pole. She also stated that the City was still waiting on PG&E to provide electrical service to the restroom, the last utility required for the restroom to be functional. The work performed by PG&E will consist of their crews setting a meter and pulling conductors into the conduit. They have given the City an anticipated date of March 2nd for this work but that is weather dependent and will likely be pushed off due to the severity of this winter's storms. Considering PG&E's other work and typical weather-related delays the City anticipates PG&E to have energized the restroom by the end of May. During this same call, Mr. Creech informed Ms. Graf that pursuant to the Notice of Alleged Violation letter sent on March 25, 2022, the City would accrue

¹ This was a staff error that will not impact the proposed penalty that the Commission may impose against the City, as noted in the letter staff issued on January 25, 2024 and attached to this report as Exhibit 28.



maximum standardized fines If this enforcement case were to be resolved by June 1, 2023. (Exhibit 24)

- QQ. During the week of January 15, 2024, BCDC staff Adrienne Klein contacted the City by leaving voice mail messages for, and emailing, April Miller, Director of Public Works, and Fabiola Guillen-Urfer, Senior Project Manager, asking for a status report regarding opening of the new restroom. (Exhibit 25)
- RR. By email dated January 19, 2024, Ms. Guillen-Urfer informed Ms. Klein that restrooms were still closed, but that the PG&E installation had occurred last year but that, after the electrical work had been completed, PG&E noticed that it was located on the adjacent, privately-owned parcel, and not on the City's property. As a result, Mr. Guillen-Urfer reported that PG&E will not energize the line until an easement agreement between the two parties had been established, which, she stated, the City is working with the property owner to create to enable PG&E to turn on the power. (Exhibit 26)
- SS. In response to a request from BCDC staff, on January 20, 2024, Penny Wells, affiliated with the Bay Area Sea Kayakers (BASK), conducted a site visit and determined that the restroom is locked. Along with her email reporting this permit noncompliant condition, Ms. Wells submitted a photograph of the closed restroom. (Exhibit 27)
- TT. On January 24, 2024, during a telephone conversation, Ms. Guillen-Urfer informed Ms. Klein that PG&E can turn the power to the restroom on when an easement from the owner of Parcel 009-161-55, on which the service utility is located, is executed, and that the City has scheduled a meeting with the owner during the week of January 29, 2024. (Exhibit 25)
- UU. On January 25, 2024, BCDC staff terminated Respondent's opportunity to resolve the violation using standardized fines (Exhibit 28).

7. Provisions of Commission law or permit that the staff alleges has been violated:

Special Condition II.B.4 of Permit 1978.028.05.

8. If the staff is proposing that the Commission impose an administrative civil penalty as part of this enforcement proceeding, the amount of the proposed penalty:

\$30,000 (See Section 9 for more information.)

9. Any other statement or information that the staff believes is either pertinent to the alleged violation or important to a full understanding of the alleged violation:

For the purpose of proposing an administrative civil penalty amount for the violation in this violation report and complaint for administrative civil liability, and as provided by the Commission's Administrative Civil Penalty Policy found in Appendix J, Part I, of the BCDC's Regulations (14 CCR), the initial base penalty amount has been calculated by determining the gravity of harm caused by this permit violation (minor) and the extent of deviation from the permit requirement to provide the public restroom (major), Respondent will be assessed a



\$1,000 per day penalty for 13,904 days. The initial total penalty is \$30,000, the administrative maximum.

Based on Respondent's degree of culpability, the initial total penalty has been adjusted upward by 20%. Based on Respondent's voluntary efforts to resolve, or lack thereof, the initial total penalty has been adjusted upward by 15%. However, because the initial total base penalty is at the administrative maximum, the upward adjustments do not result in an elevated penalty.

Administrative Record Number	Date	Description
1	2019 and 2023	Restroom image from google earth
2.A-D	2020 and 2024	Site overview images from google earth and City of San Rafael
3	None	RealQuest Pro Property Detail Report for APN 009-161-054
4	April 25, 2018	Re-issued BCDC Permit 1978.028.05
5	April 18, 1980	Proof of Recordation of Permit 1978.028.00
6	March 3, 1983	Public Access Grant Deed from Shekou to City
7	July 29, 1984	Approved Restroom Plans
8	September 26, 1985	Signed Notice of Completion
9	March 27, 1986	Partial Permit Assignment Approval Letter
10	December 12, 2021	City's Amendment Request for Reasonable Rules and Restrictions
10.5	July 20, 2015	City requests permit amendment to remove restroom requirement
11	October 19, 2015	BCDC commences investigation on Enforcement Case against City
12	November 21, 2016	BCDC letter to the City (first notice of violations)
12.5	n.d. (on or around December 2017)	BCDC Staff notes on violation resolution dates and accrued standardized administrative penalties
13	January 19, 2017	BCDC letter to the City
14	July 28, 2017	BCDC letter to the City
14.5	January 17, 2018	City withdraws its permit amendment request to remove restroom requirement
15.A	April 16, 2018	City Request for Proposal for Engineering Design Services for the Restroom



15.B	June 28, 2018	Letter from City to BCDC and specifications and plans for a single, ADA vault toilet
15.C	July 16, 2018	Letter from City to BCDC answering BCDC questions about vault toilet restroom plan
15.D	August 15, 2018	Letter from BCDC to City generally supporting restroom plan but advising that additional amenities are required to ensure new restroom provides an equal or improved public benefit
15.E	August 2, 2019 Email with plans	Thomas Wong submits plans dated June 19, 2019, for a single, plumbed, ADA restroom in existing restroom building
16.A-B	March 25 - June 24, 2020	Email Communications between Thomas Wong, City, and Matthew Trujillo, BCDC
17A	September 25, 2019 Email with plans	Thomas Wong submits stamped plans, dated September 25, 2019, for a single, plumbed, ADA restroom in existing restroom building
17.B	May 22 - December 2, 2019	BCDC's conditional email approval of City's restroom plans and email communications between Thomas Wong, City, and Matthew Trujillo, BCDC
18	November 24, 2020 - August 31, 2021	Email Communications between Thomas Wong and Fabiola Guillen-Urfer, City, and John Creech, BCDC
19	October 13, 2021 – March 1, 2022	Email Communications between and Fabiola Guillen-Urfer and Shawn Graf, City, and John Creech, BCDC
20	March 16 - March 17, 2022	Email Communications between and Fabiola Guillen-Urfer, and John Creech, BCDC
21	March 25, 2022	BCDC letter to the City (second notice of violations)
22	March 28, 2022	City emails BCDC in response to BCDC letter
23	April 29, 2022	City letter to BCDC
24	January 4, 2023	Email communication between Shawn Graf, City and John Creech, BCDC, summarizing a telephone conversation
25	January 16 – 29, 2024	Telephone message and Conversation Notes (Adrienne Klein, BCDC, Fabiola Guillen-Urfer, City)



RED Exhibit C

26	January 19, 2024	Email communication between Adrienne Klein, BCDC, Fabiola Guillen-Urfer, City
27	January 21-22, 2024	Email communication between Penny Wells, Bay Area Sea Kayakers, and Adrienne Klein, BCDC. Includes two photographs of the RR
28	January 25, 2024	BCDC letter to the City rescinding opportunity to resolve penalty portion of the violation using standardized fines.
-	-	BCDC Permit File 1978.028.05
-	-	BCDC Enforcement Case File ER2015.024.00



Exhibit 1 - Image dated July 2022 of closed restroom and adjacent shoreline trail required by BCDC Permit 1978.028.05



Exhibit 2.A - Starkweather Shoreline Park, San Rafael, Marin County

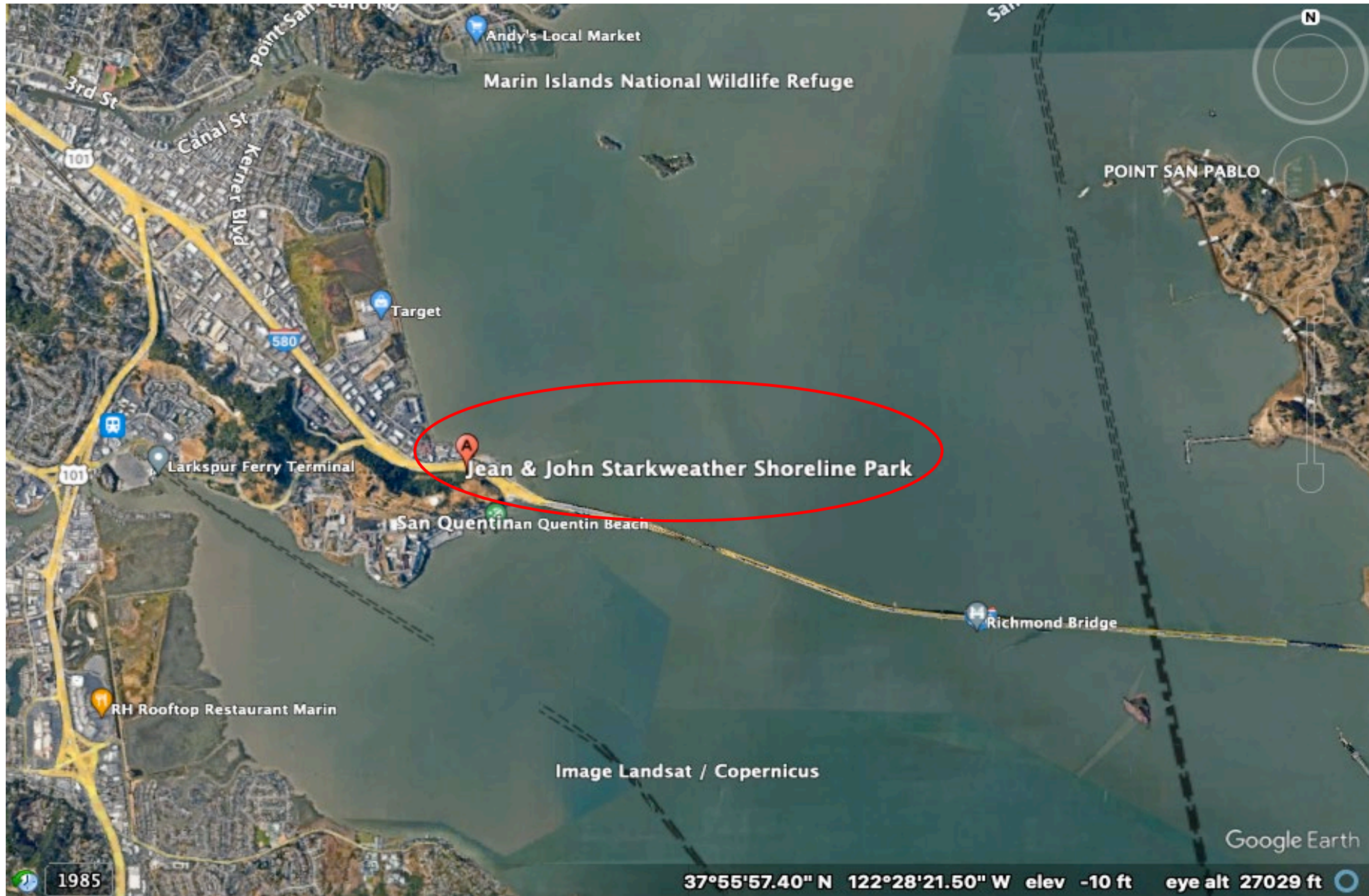


Exhibit 2.B - Starkweather Shoreline Park, San Rafael, Marin County



Exhibit 2.C Park Restroom Circled in Red

Image submitted by City on January 22, 2024



 Restroom building

Exhibit 2.D Restroom located on APN 009-161-54

Image submitted by City on January 22, 2024

Parcel Information

PARCEL INFO

*Note: The accuracy of parcel boundaries are approximate and do not meet survey accuracy standards. * Last Update: 03/28/22 **

APN:	009161-04 (009-161-04)
Site Address:	None Found
Jurisdiction:	San Rafael
Land Use:	80: Tax Exempt
Measuring Units:	0
Area (Acreage):	.48
Deed Book:	85028902
Tax Rate Area:	008000
Record Date:	10/20/85
Land Value:	\$0.00
Improved Value:	\$0.00
Owner:	SAN RAFAEL CITY OF
Owner Address:	SAN RAFAEL, CA 94901
Acres (F.U.):	0.61
Is in Flood Zone:	Yes
WPA (Detailed):	Federation of San Rafael Neighborhoods, Canal Alliance
San Rafael Group:	000
Est. Unit:	N

PROPERTY CHARACTERISTICS

APN:	009-161-04
Site:	

Restroom building (Parcel 009-161-54)

Property Detail Report

For Property Located At :

„ CA

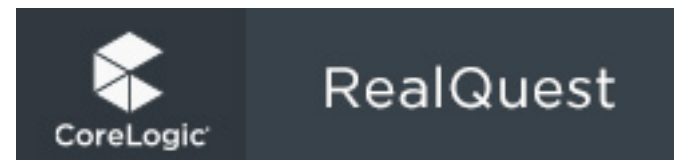


Exhibit 3

Owner Information

Owner Name: **SAN RAFAEL CITY**
 Mailing Address:
 Vesting Codes: //

Location Information

Legal Description:
 County: MARIN, CA APN: 009-161-54
 Census Tract / Block: 1122.02 / 2 Alternate APN:
 Township-Range-Sect: Subdivision:
 Legal Book/Page: Map Reference: /
 Legal Lot: Tract #:
 Legal Block: School District: SAN RAFAEL
 Market Area: School District Name: SAN RAFAEL
 Neighbor Code: Munic/Township: SAN RAFAEL

Owner Transfer Information

Recording/Sale Date: / Deed Type:
 Sale Price: 1st Mtg Document #:
 Document #:

Last Market Sale Information

Recording/Sale Date: / 1st Mtg Amount/Type: /
 Sale Price: 1st Mtg Int. Rate/Type: /
 Sale Type: 1st Mtg Document #:
 Document #: 2nd Mtg Amount/Type: /
 Deed Type: 2nd Mtg Int. Rate/Type: /
 Transfer Document #: Price Per SqFt:
 New Construction: Multi/Split Sale:
 Title Company:
 Lender:
 Seller Name:

Prior Sale Information

Prior Rec/Sale Date: / Prior Lender:
 Prior Sale Price: Prior 1st Mtg Amt/Type: /
 Prior Doc Number: Prior 1st Mtg Rate/Type: /
 Prior Deed Type:

Property Characteristics

Year Built / Eff: /	Total Rooms/Offices	Garage Area:
Gross Area:	Total Restrooms:	Garage Capacity:
Building Area:	Roof Type:	Parking Spaces:
Tot Adj Area:	Roof Material:	Heat Type:
Above Grade:	Construction:	Air Cond:
# of Stories:	Foundation:	Pool:
Other Improvements:	Exterior wall:	Quality:
	Basement Area:	Condition:

Site Information

Zoning:	Acres: 0.48	County Use: TAX-EXEMPT (80)
Lot Area: 20,810	Lot Width/Depth: x	State Use:
Land Use: TAX EXEMPT	Res/Comm Units: /	Water Type:
Site Influence:		Sewer Type:

Tax Information

Total Value:	Assessed Year: 2023	Property Tax:
Land Value:	Improved %:	Tax Area: 8000
Improvement Value:	Tax Year:	Tax Exemption:
Total Taxable Value:		

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606



RE-ISSUED PERMIT NO. 1978.028.05
(Issued Originally on June 13, 1979, As Amended Through May 5, 2017 and Re-Issued on April 25, 2018)
AMENDMENT NO. FIVE
(Exclusive of Amendment No. Four)

City of San Rafael
1400 Fifth Avenue
San Rafael, California 94901

AND

Roots Construction Company, Inc.
2175 Francisco Boulevard
San Rafael, California 94901

On May 17, 1979, the San Francisco Bay Conservation and Development Commission, by a vote of 22 affirmative, 0 negative, approved the resolution pursuant to which the original permit had been issued. Moreover, on August 5, 1981, November 22, 1982, ~~and~~ December 9, 1983, May 5, 2017 and April 25, 2018, pursuant to Commission Regulation Section ~~10722~~ 10822, the Executive Director, approved ~~the amendment requests to which~~ Amendment Nos. One, Two, ~~and~~ Three, and Five, respectively, pursuant to which this amended permit is ~~are~~ hereby issued:

I. Authorization

A. Authorized Project. Subject to the conditions stated below, the permittee(s) is granted permission to do the following on property within the Bay and 100-foot shoreline band at San Rafael Bay Park at Point San Quentin, off Francisco Boulevard, in the City of San Rafael, Marin County:

1. **In the Bay**
 - a. Place 5,300 cubic yards of rock and concrete riprap covering 40,000 square feet of area for levee stabilization; and
 - b. Place 400 square feet of fill to improve shoreline appearance and protection (Amendment No. Two).
2. **In the 100-foot Shoreline Band:**
 - a. Place fill behind existing dikes and grade a portion of an approximately 8-acre site to create a finished elevation of 9 to 12 feet above Mean Sea Level (USGS, 1929 datum) (Amendment No. Two).



RE-ISSUED PERMIT NO. 1978.028.05

(Issued Originally on June 13, 1979, As Amended Through May 5, 2017 and Re-Issued on April 25, 2018)

City of San Rafael and Roots Construction Company, Inc.

AMENDMENT NO. FIVE

(Exclusive of Amendment No. Four)

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- b. Construct and use 28 parking spaces and approximately 4,200 square feet of paved vehicular access road for commercial use (Amendment Nos. Two and Three);
- c. Construct and landscape a public access area covering approximately 75,000 square feet of area along 1,144 lineal feet of shoreline with a public "par" course (Amendment No. Two);
- d. Provide a 12-foot-wide access road and pedestrian/bicycle path on top of the levee from the western property boundary to the parking area located between buildings 3 and 4 on the plan entitled "San Rafael Bay Park," prepared by Ron Glander and Associates on March 22, 1981, as revised on April 17, 1981 (Amendment No. Two);
- e. Provide an 8-foot-wide pedestrian/bicycle path on top of the levee from the point where the access road/pedestrian/bicycle path, described in Section I-A-2d above, leaves the levee to the northern end of the parking lot on the eastern side of the property boundary. The path shall continue across the entrance of the easternmost parking lot and a stairway shall connect the path to Francisco Boulevard (Amendment No. Two);
- f. Provide a 24-foot-wide pedestrian/bicycle path which also serves as access from Francisco Boulevard to the levee road at the eastern end of the property boundary (Amendment No. Two);
- g. Construct 18 parking spaces for exclusive public use (Amendment No. Two);
- h. Construct portions of public streets and provide related site improvements;
- i. Construct a public restroom near the northern end of the easternmost parking lot (Amendment No. Two); and
- j. Construct an approximately 800-square-foot portion of a two-story building on the northwesterly portion of the property, and an approximately 1,500-square-foot portion of a two-story building on the northeasterly portion of the property (figures are ground floor coverage) (Amendment No. Two).

B. **Based on Application Dated.** This amended authority is generally pursuant to and limited by the original application filed April 4, 1979, and your letters and amendment requests dated July 2, 1981 and July 9, 1982, requesting Amendment Nos. One and Two, respectively, and your letters dated April 28, 1983 and August 18, 1983, requesting Amendment No. Three,

RE-ISSUED PERMIT NO. 1978.028.05

(Issued Originally on June 13, 1979, As Amended Through May 5, 2017 and Re-Issued on April 25, 2018)

City of San Rafael and Roots Construction Company, Inc.

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(Exclusive of Amendment No. Four)

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and your letter dated December 21, 2016, requesting Amendment No. Five, including all accompanying and subsequent correspondence and exhibits, but subject to the modifications required by conditions hereto.

C. **Deadlines for Commencing and Completing Authorized Work.** Work authorized through Amendment No. Two herein ~~must was to~~ commence prior to January 1, 1980, or ~~this- the~~ amended permit ~~will would~~ lapse and become null and void. Such work must also be diligently ~~prosecuted~~ pursued to completion and ~~must be~~ completed within five and one-half (5-1/2) years of commencement, or by July 15, 1985 (Amendment No. Two), whichever ~~is was~~ earlier, unless an extension of time ~~is was~~ granted by a further amendment of this amended permit.

D. **Project Summary.** The project involves 5,300 cubic yards of rock and concrete riprap fill in the Bay for shoreline protection and approximately 400 square feet of fill to improve shoreline appearance. As part of the project, new dedicated public access would be provided on an approximately 50- to 100-foot-wide by 1,144-foot-long shoreline strip and beach covering approximately 75,000 square feet of area. In addition, approximately two acres of tidelands would be dedicated in fee, free of charge, to the public for permanent preservation as tidelands (Amendment No. Two).

II. Special Conditions

The amended authorization made herein shall be subject to the following Special Conditions, in addition to the Standard Conditions in Part IV:

A. Specific Plans and Plan Review

1. **Plan Review for Phase I and Phase II.** No work whatsoever shall be performed at any location within the Commission's jurisdiction pursuant to this amended permit until final precise site, engineering, grading, architectural, and landscaping plans for that portion of the work have been submitted to, reviewed, and approved by or on behalf of the Commission. Architectural plans submitted for review shall include all outside architectural fixtures, including, but not limited to, the location, dimensions, and color of all outside signs and other fixtures. In each instance, plan review shall be completed within forty-five (45) days after receipt of the plans to be reviewed. Approval or disapproval shall be based upon the plan's conformity with the amended permit and upon a determination by or on behalf of the Commission that the proposed construction will be in accordance with (a) the information presented to and the recommendations of or on behalf of the Engineering Criteria Review Board for engineering plans; (b) the information

RE-ISSUED PERMIT NO. 1978.028.05

(Issued Originally on June 13, 1979, As Amended Through May 5, 2017 and Re-Issued on April 25, 2018)

City of San Rafael and Roots Construction Company, Inc.

AMENDMENT NO. FIVE

(Exclusive of Amendment No. Four)

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presented to and the recommendations of or on behalf of the Design Review Board for grading, site, architectural, and landscaping plans; and (c) all terms and conditions of this amended permit.

2. **Plan Review for Phase II.** Prior to applying for any local approvals and commencement of any work, the permittee(s) shall submit a preliminary plan showing land uses, structures, parking and landscaping and public access for Phase II for review by or on behalf of the Commission.
3. **Conformity with Precise Plans.** All finished structures within the Commission's jurisdiction shall conform to the final plans approved by or on behalf of the Commission. No noticeable changes shall be made thereafter to any final plans or to any constructed structures without first obtaining written approval of the changes by or on behalf of the Commission. Final plans required to be submitted to any other governmental agency shall conform to the final plans approved by or on behalf of the Commission.

B. Public Access

1. **Area.** Prior to July 1, 1983, or the use of any of the area within the Commission's jurisdiction, whichever is earlier, the permittee(s) shall, by instrument or instruments acceptable to counsel for BCDC, dedicate to the City of San Rafael public rights for access for walking, bicycling, sitting, viewing, and other related purposes to an approximately 75,000-square-foot area along the entire perimeter of the site varying in width from 50 to 100 feet as measured inland from the top of the bank, as shown on the plan received September 1, 1982, showing the public access area and horizontal control points.
2. **Instruments.** Instruments submitted to counsel for BCDC approval pursuant to Special Condition II-B-1 shall create permanent rights in favor of the public for the purposes indicated, include a descriptive map that shows the property lines of such areas, include a metes and bounds description of the areas, and be in a form suitable for recording in the county where the property is located. Approval or disapproval of the instruments shall occur within 30 days after submittal for approval and shall be based upon the sufficiency of the instruments to create the rights and duties indicated in the condition. Within 60 days after approval, the permittee(s) shall record the instruments and shall provide evidence of recording to the Commission (Amendment No. Two).

RE-ISSUED PERMIT NO. 1978.028.05

(Issued Originally on June 13, 1979, As Amended Through May 5, 2017 and Re-Issued on April 25, 2018)

City of San Rafael and Roots Construction Company, Inc.

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3. **Improvements.** In accordance with the phasing schedule set forth in Special Condition II-B-6, the permittee(s) shall construct within the area reserved in Special Condition II-B-1 the following improvements:
 - a. A 12-foot-wide all-weather access road and pedestrian/bicycle path on the top of the levee from the western property boundary to the north end of the beach on the eastern side of the property boundary;
 - b. A landscaped public access area with appropriate signs and a par course covering approximately 75,000 square feet around the entire perimeter of the site;
 - c. An all-weather surfaced roadway with a minimum width of 24 feet from Francisco Boulevard to the shoreline public parking and access areas. This roadway, which may also be used to provide access to the development, should be clearly signed to indicate that it provides access to the shoreline, and shall be improved to provide access for automobiles, bicycles, and pedestrians;
 - b. A landscaped public access area with appropriate signs and a par course covering approximately 75,000 square feet around the entire perimeter of the site;
 - c. An all-weather surfaced roadway with a minimum width of 24 feet from Francisco Boulevard to the shoreline public parking and access areas. This roadway, which may also be used to provide access to the development, should be clearly signed to indicate that it provides access to the shoreline, and shall be improved to provide access for automobiles, bicycles, and pedestrians;
 - d. Eighteen (18) permanent parking spaces for exclusive public use within the Phase II development area on the southeast corner of the site adjacent to the beach. Eighteen (18) temporary public parking spaces shall be provided near the shoreline in the first phase of construction, which shall be available until the 18 permanent parking spaces can be provided. Once the permanent 18 car public parking lot has been constructed and is open for public use, the 18 temporary public parking spaces may, at the discretion of the permittee(s), be used for private parking (Amendment No. Three);
 - e. A permanent public restroom;
 - f. A 5-foot-wide stairway and crosswalk connecting Francisco Boulevard to the eastern end of the shoreline public access path; and

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- g. Placement of seven (7) public access signs of a size, design, and with information approved by or on behalf of the Commission placed at locations approved pursuant to Special Condition II-A-1. Public access signs shall be placed on Francisco Boulevard clearly delineating the location of the public parking spaces, at the entrances to the shoreline public access area, and signs shall be placed outside the restrooms to clearly indicate that the restrooms are for public use.
4. **Maintenance.** The public access areas and improvements required by Special Condition II-B, shall be permanently maintained by, and at the expense of, the permittee(s). Such maintenance shall include, but is not limited to, irrigation of landscaping, repairs to all path surfaces, replacement of any plant material that dies or becomes unkempt, periodic clean-up of litter and other materials deposited within the access or open space areas, removal of any encroachments into the access or open space areas, and assuring that the public access signs remain in place and visible. Within 30 days after notification, the permittee(s) may transfer maintenance responsibility to a public agency or another party acceptable to the Commission provided that the transferee agrees in writing, acceptable to counsel for BCDC, to be bound by all conditions of this amended permit.
5. **Map.** Prior to commencement of construction, the permittee(s) shall provide a copy of the final subdivision map of the phase(s) within the Commission's jurisdiction, as approved by the City of San Rafael, that shows each parcel within the subdivision, all public access areas, the tideland portion of the property, the levee, the 6-foot above Mean Sea Level contour line at the levee, the line 100 feet inland from the 6-foot above Mean Sea Level contour line, and all road improvements. The subdivision map shall be annotated to the effect that the public access areas are, or are to be by a date specific, dedicated in fee, to the City of San Rafael for the purposes set out in this amended permit.
6. **Phasing of Construction of the Public Access Improvements.** Public access improvements required under the terms of this amended permit may be constructed and completed in two phases, corresponding to the phasing of the construction of "San Rafael Bay Park" as shown on the plan received by BCDC on September 1, 1982, showing the public access area and horizontal control points. The public access improvements required in each phase shall be completed and open to public use prior to the use of any commercial facility built as part of that phase. If Phase IIO construction is not completed and public access improvements

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are not open to the public by July 1, 1984, a safe, temporary, 8-foot-wide public access path shall be provided along the shoreline of the Phase II project. This path shall remain open for public use until Phase II public access improvements have been completed pursuant to Special Condition II-B. Public access parking shall be developed as follows: 18 temporary parking spaces will be provided and held solely for public use within the Phase I development area until the 18 permanent parking spaces are constructed at the beach that is within the Phase II development area (Amendment No. Three).

7. **Reasonable Rules and Restrictions.** The permittee(s) may impose reasonable rules and restrictions for the use of the public access areas to correct particular problems that may arise. Prior to implementation, such limitations, rules, and restrictions shall be approved by or on behalf of the Commission upon a finding that the proposed would not significantly affect the public nature of the area, would not unduly interfere with reasonable public use of the public access areas, and would tend to correct a specific problem that the permittee(s) has both identified and substantiated. Rules may include restricting hours of use and delineating appropriate behavior (Amendment No. Five).

C. **Dedication of Tideland Lots.** Prior to completion of the project, but no later than July 1, 1983, and according to the schedule required by the City of San Rafael, the permittee(s) shall, by instrument or instruments acceptable to counsel for BCDC, transfer all rights and interest in an approximately 2-acre area of tidelands around the perimeter of the property to the City of San Rafael. The instrument or instruments shall provide that the lands shall be used only for open space in perpetuity and that no fill shall occur on these lands. Approval or disapproval of such instrument or instruments shall take place in the manner provided in Special Condition II-B-3, after consultation with the State Lands Commission (Amendment No. Two).

D. **Notice and Assignment.**

1. **Notice to Lot Buyers.** Prior to entering into any agreement to sell or otherwise transfer any interest in the property to any third party, the permittee(s), or any assignee of this amended permit or any part of it, shall provide the party with a copy of this amended permit and shall call his or her attention especially to the provisions regarding public access and parking.
2. **Partial Assignment of Authorization.** Within 10 days after executing any agreement to sell or otherwise transfer any interest in the property to a buyer of a lot or parcel within the Commission's jurisdiction, the transferor shall notify BCDC

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of the nature of the transfer, the name, telephone number and address of the buyer and the date of the transfer and shall also submit a partial assignment of this amended permit for the area transferred that has been executed by the buyer indicating that the buyer has read, understood, and agreed to the terms and conditions of this amended permit.

E. **Permit Recording.** The permittee(s) shall record this amended permit or a notice referring to this amended permit with Marin County within 30 days after its execution. Evidence of the recording shall be provided to the Commission. Amendment No. Five does not require recordation.

F. **Horizontal Control Points.** No work whatsoever shall be performed at any location pursuant to this amended permit until the permittee(s) installs a minimum of four permanent horizontal control points of a type and at a location approved by or on behalf of the Commission. These control points shall be placed under the supervision of a registered engineer or land surveyor, and shall be accurately located and mapped in relation to each other, to the closest known existing control point or other acceptable fixed point in the project area, and to the limits of any proposed fill in the Bay. These control points shall be located so as to facilitate field checking, with simple equipment, of the limits of the fill authorized pursuant to this amended permit. Such fill limits shall be dimensioned from these control points, or, if the scale of the drawing is adequate, it shall carry a note stating that field dimensions may be scaled from the drawing and the accuracy of such scaling, e.g., Field dimensions to an accuracy of $\pm 1'$ may be scaled from this drawing." The locations of these control points shall be clearly shown on all plans submitted pursuant to Special Condition II-A.

G. **Commission Jurisdiction Over Fill Area.** Notice is hereby given that, under the McAteer-Petris Act, the area of the approved project that is within the Commission's jurisdiction under Section 66610(a) remains within that jurisdiction even after fill or a substantial change in use authorized by the Commission may have changed the character of an area, and that the permittee(s) or the permittees' successors in interest will require further authorization by or on behalf of the Commission prior to any future change of use or work within areas filled pursuant to this amended permit.

III. Findings and Declarations

This amended authorization is given on the basis of the Commission's findings and declarations that the work authorized herein is consistent with the McAteer-Petris Act, the San Francisco Bay Plan, the Commission's Amended Management Program for San Francisco Bay, and the California Environmental Quality Act of 1970, for the following reasons:

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A. **Use.** The proposed office, commercial and light industrial uses are not in any shoreline area designated on Bay Plan Map No. 11 for any priority use and are therefore consistent with the Bay Plan.

B. **Fill.** An approximately 1,144-foot-long levee lies around the north and eastern perimeter of the site. Fill consists of 5,300 cubic yards of rock and concrete riprap for shoreline protection which is the minimum amount necessary for which fill may be permitted in accordance with Government Code Section 66605(c) and the San Francisco Bay Plan. In addition, a small amount (approximately 400 square feet) of fill is authorized to improve shoreline appearance of a corner of the small cove within the project boundaries. The amount of fill proposed is the minimum necessary to provide an attractive shoreline at this location, which now consists of an irregular shoreline, in accordance with the Bay Plan (Amendment No. Two).

C. **Public Access.** Approximately 75,000 square feet of area which varies in width from 50 to 100 feet wide will be permanently provided as continuous public access along the Bay. A par course and beach will also be developed as part of public access improvements. Public access to the nearest thoroughfare will be provided by public easement. Special Condition II.B.7 allows for the imposition of reasonable rules and restrictions on the use of public access areas and amenities (e.g., restricting hours and delineating appropriate behavior) only if it is found, by or on behalf of the Commission, that the proposed rules would not significantly affect the public nature of the area, would not unduly interfere with reasonable public use of the public access area and would tend to correct a specific problem that has been both identified and substantiated. Such physical access, as required by Special Condition II-B, is the maximum feasible public access to The Bay and its shoreline consistent with the project, as required by Government Code Section 66632.4 of the McAteer-Petris Act and the Bay Plan Policies on Public Access (Amendment No. Five).

D. **Public Trust.** By this amended permit, the Commission finds that the fill placed in the Commission's "bay" jurisdiction for shoreline protection is consistent with public trust needs.

E. **Environmental Impact Report.** The Redevelopment Agency of the City of San Rafael, the lead agency for the original project, certified the Final Environmental Impact Report for Spinnaker Point on December 15, 1976. The lead agency found that there would be no significant effects because the impacts would be mitigated or were not significant initially. Moreover, pursuant to Commission Regulation Section 10910, Amendment Nos. One, Two, and Three are found to be categorically exempt from the requirement to prepare an environmental impact report.

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IV. Standard Conditions

A. ~~All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city and/or county in which the work is to be performed, whenever any of these may be required. This amended permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.~~

B. ~~The attached Notice of Completion shall be returned to the Commission within thirty (30) days following completion of the work.~~

C. ~~Work must be performed in the precise manner and at the precise locations indicated in your applications and amendment request, as such may have been modified by the terms of the amended permit and any plans approved in writing by or on behalf of the Commission.~~

D. ~~Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittee will be subject to the regulations of the Regional Water Quality Control Board in that region.~~

E. ~~The rights derived from this amended permit are assignable as provided herein. An assignment shall not be effective until the assignee shall have executed and the Commission shall have received an acknowledgment that the assignee has read and understood the application for this amended permit and the amended permit itself and agrees to be bound by all terms and conditions of the amended permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms of the amended permit.~~

F. ~~Unless otherwise provided in this amended permit, all the terms and conditions of this amended permit shall remain effective for so long as the permit remains in effect or for so long as any use or construction authorized by this amended permit exists, whichever is longer.~~

G. ~~Unless otherwise provided in this amended permit, the terms and conditions of this amended permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.~~

H. ~~Unless otherwise provided in this amended permit, any work authorized herein shall be completed within the time limits specified in this amended permit, or if no time limits are specified in the amended permit, within three years. If the work is not completed by the date specified in the amended permit, or if no date is specified, within three years from the date of the amended permit, the amended permit shall become null and void. If this amended permit~~

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~~becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this amended permit shall be removed by the permittee or its assignee upon receiving written notification by or on behalf of the Commission to remove the fill.~~

~~I.—Except as otherwise noted, violation of any of the terms of this amended permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee or its assignee if the amended permit has been effectively assigned. If the permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this amended permit shall be removed by the permittee or its assignee if the permit has been assigned.~~

~~J.—This amended permit shall not take effect unless the permittee executes the original of this amended permit and returns it to the Commission within 10 days after the date of the issuance of the amended permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.~~

~~K.—Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer Petris Act or the Suisun Marsh Preservation Act at the time the permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this amended permit.~~

~~L.—Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this amended permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction up to the line of highest tidal action.~~

~~M.—Unless the Commission directs otherwise, this amended permit shall become null and void if any term, standard condition, or special condition of this amended permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this amended permit becomes null and void, any fill or structures placed in reliance on this amended permit shall be subject to removal by the permittee or its assignee if the amended permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.~~

A. **Permit Execution.** This amended permit shall not take effect unless the permittee(s) executes the original of this amended permit and returns it to the Commission within ten days after the date of the issuance of the amended permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

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B. Notice of Completion. The attached Notice of Completion and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.

C. Permit Assignment. The rights, duties, and obligations contained in this amended permit are assignable. When the permittee(s) transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this amended permit, the permittee(s)/transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignee executes and the Executive Director receives an acknowledgment that the assignee has read and understands the amended permit and agrees to be bound by the terms and conditions of the amended permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the amended permit.

D. Permit Runs With the Land. Unless otherwise provided in this amended permit, the terms and conditions of this amended permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

E. Other Government Approvals. All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This amended permit does not relieve the permittee(s) of any obligations imposed by State or Federal law, either statutory or otherwise.

F. Built Project must be Consistent with Application. Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the amended permit and any plans approved in writing by or on behalf of the Commission.

G. Life of Authorization. Unless otherwise provided in this amended permit, all the terms and conditions of this amended permit shall remain effective for so long as the amended permit remains in effect or for so long as any use or construction authorized by this amended permit exists, whichever is longer.

H. Commission Jurisdiction. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the amended permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of

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any substantial change in use authorized by this amended permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this amended permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

I. **Changes to the Commission's Jurisdiction as a Result of Natural Processes.** This amended permit reflects the location of the shoreline of San Francisco Bay when the permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this amended permit does not guarantee that the Commission's jurisdiction will not change in the future.

J. **Violation of Permit May Lead to Permit Revocation.** Except as otherwise noted, violation of any of the terms of this amended permit shall be grounds for revocation. The Commission may revoke any amended permit for such violation after a public hearing held on reasonable notice to the permittee(s) or its assignee(s) if the amended permit has been effectively assigned. If the amended permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this amended permit shall be removed by the permittee(s) or its assignee(s) if the amended permit has been assigned.

K. **Should Permit Conditions Be Found to be Illegal or Unenforceable.** Unless the Commission directs otherwise, this amended permit shall become null and void if any term, standard condition, or special condition of this amended permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this amended permit becomes null and void, any fill or structures placed in reliance on this amended permit shall be subject to removal by the permittee(s) or its assignee(s) if the amended permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

L. **Permission to Conduct Site Visit.** The permittee(s) shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

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M. Abandonment. If, at any time, the Commission determines that the improvements in the Bay authorized herein have been abandoned for a period of two years or more, or have deteriorated to the point that public health, safety or welfare is adversely affected, the Commission may require that the improvements be removed by the permittee(s), its assignee(s) or successors in interest, or by the owner of the improvements, within 60 days or such other reasonable time as the Commission may direct.


N. Best Management Practices

1. Debris Removal. All construction debris shall be removed to an authorized location outside the jurisdiction of the Commission. In the event that any such material is placed in any area within the Commission's jurisdiction, the permittee(s), its assignee(s), or successors in interest, or the owner of the improvements, shall remove such material, at their expense, within ten days after they have been notified by the Executive Director of such placement.
2. Construction Operations. All construction operations shall be performed to prevent construction materials from falling, washing or blowing into the Bay. In the event that such material escapes or is placed in an area subject to tidal action of the Bay, the permittee(s) shall immediately retrieve and remove such material at its expense.

O. In-Kind Repairs and Maintenance. Any in-kind repair and maintenance work authorized herein shall not result in an enlargement of the authorized structural footprint and shall only involve construction materials approved for use in San Francisco Bay. Work shall occur during periods designated to avoid impacts to fish and wildlife. The permittee(s) shall contact Commission staff to confirm current restricted periods for construction.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

LAWRENCE J. GOLDZBAND
Executive Director
San Francisco Bay Conservation and
Development Commission

By: 
ERIK BUEHMANN
Chief of Federal Consistency and Permits

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cc: U. S. Army Corps of Engineers, Attn.: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn.: Certification Section
Environmental Protection Agency
City of San Rafael Planning Department

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at San Rafael, CA

City of San Rafael

Permittee

On July 10, 2018

By:

[Signature]
Jim Schott, City Manager

Print Name and Title

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at SAN RAFAEL

Roots Construction Company, Inc.

Permittee

On 6-29-18

By:

[Signature]
LEN NIBBI DIRECTOR

Print Name and Title



SAN FRANCISCO BAY CONSERVATION & DEVELOPMENT COMMISSION

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

30 VAN NESS AVENUE
SAN FRANCISCO, CALIFORNIA 94102
PHONE: 557-3686



RECORDED AT REQUEST OF

B.C. & D.C.P.
AT *H* MIN. PAST *3* M.

16417

APR 1 8 1980

PERMIT NO. 28-78

AUG 9 1979

Official Records of Marin County, Calif.

June 13, 1979

JUN 19 1979

W. S. Sleser

FEE \$ *10.00* RECORDER

RECEIVED
JUL 20 1979

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

MAIL TO

Mr. Robert H. Greene
818 Fifth Avenue
San Rafael, California 94901
BOOK 3704 PAGE 528

Dear Mr. Greene:

On May 17, 1979, the San Francisco Bay Conservation and Development Commission, by a vote of 22 affirmative, 0 negative, approved the resolution pursuant to which this permit is issued:

I. Authorization

A. Subject to the conditions stated below, the permittee is granted permission to do the following on property within the Bay and 100-foot shoreline band at San Rafael Bay Park at Point San Quentin, off Francisco Boulevard, in the City of San Rafael, Marin County:

1. In the Bay:

a. Place 5,300 cubic yards of rock and concrete riprap covering 40,000 square feet of area for levee stabilization.

2. In the 100-foot Shoreline Band:

a. Place fill behind existing dikes and grade a portion of an approximately 8-acre site to create a finished elevation of 9 feet above Mean Sea Level (USGS, 1929 datum);

b. Construct and use 26 parking spaces for commercial use;

c. Construct and landscape a public access area covering 120,450 square feet of area along 1,144 lineal feet of shoreline with a public "par" course;

d. Provide a 12-foot-wide access road and pedestrian/bicycle path on top of the levee from the western property boundary to the northern end of the beach on the eastern side of the property boundary;

e. Provide a 12-foot-wide pedestrian/bicycle path which also serves as access from Francisco Boulevard to the levee road at the eastern end of the property boundary;

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Robert H. Greene
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- f. Construct 20 parking spaces for exclusive public use; and
- g. Construct portions of public streets and provide related site improvements.

B. This authorization is generally pursuant to and limited by the application filed April 4, 1979, including its accompanying exhibits, but subject to the modifications required by conditions hereto.

C. Work authorized herein must commence prior to January 1, 1980, or this permit will lapse and become null and void. Such work must also be diligently prosecuted to completion and must be completed within two (2) years or commencement, or by January 1, 1982, whichever is earlier, unless an extension of time is granted by amendment of the permit.

D. The project involves 5,300 cubic yards of rock and concrete riprap fill in the Bay for shoreline protection. As part of the project, new dedicated public access would be provided on an approximately 35- to 100-foot-wide by 1,144-foot-long levee and beach covering approximately 120,450 square feet of area. In addition, approximately one and one half acres of tidelands would be dedicated in fee, free of charge, to the public for permanent preservation as tidelands.

II. Special Conditions

The authorization made herein shall be subject to the following special conditions in addition to the standard conditions in Part IV:

A. Specific Plans and Plan Review.

1. Plan Review for Phase I. No work whatsoever shall be performed at any location within the Commission's jurisdiction pursuant to this authorization until final precise site, engineering, grading, architectural, and landscaping plans for that portion of the work have been submitted to, reviewed, and approved by or on behalf of the Commission. Architectural plans submitted for review shall include all outside architectural fixtures, including, but not limited to, the location, dimensions, and color of all outside signs and other fixtures. In each instance, plan review shall be completed within forty-five (45) days after receipt of the plans to be reviewed. Approval or disapproval shall be based upon conformity with the authorization and upon a determination by or on behalf of the Commission that the proposed construction will be in accordance with (a) the information presented to and the recommendations of or on behalf of the Engineering Criteria Review Board for engineering plans; (b) the information presented to and the recommendations of or on behalf of the Design Review Board for grading, site, architectural, and landscaping plans; and (c) all terms and conditions of this authorization.

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2. Plan Review for Phase II. Prior to applying for any local approvals and commencement of any work, the permittee shall submit a preliminary plan showing land uses, structures, parking and landscaping and public access for Phase II for review by or on behalf of the Commission.
3. Conformity with Precise Plans. All finished structures within the Commission's jurisdiction shall conform to the final plans approved by or on behalf of the Commission. No noticeable changes shall be made thereafter to any final plans or to any constructed structures without first obtaining written approval of the changes by or on behalf of the Commission. Final plans required to be submitted to any other governmental agency shall conform to the final plans approved by or on behalf of the Commission.

B. Public Access

1. Area. Prior to construction on or the use of any of the area within the Commission's jurisdiction, the permittee shall, by instrument or instruments acceptable to counsel for BCDC, dedicate to the City of San Rafael public rights for access for walking, bicycling, sitting, viewing, and other related purposes to an 120,450-square-foot area along the entire perimeter of the site varying in width from 35 to 100 feet.
2. Improvements. Prior to the use of any facility within the Commission's jurisdiction, the permittee shall construct within the area reserved in Special Condition II-B-1 the following improvements:
 - a. A 12-foot-wide all-weather access road and pedestrian/bicycle path on the top levee from the western property boundary to the north end of the beach on the eastern side of the property boundary;
 - b. A landscaped public access area with appropriate signs and a par course covering 120,450 square feet around the entire perimeter of the site;
 - c. A 12-foot-wide all weather bicycle/pedestrian pathway which also serves as a connection from Francisco Boulevard to the levee road and which may be no closer than 35 feet from and must be separated by landscaping from the beach at the eastern side of the property boundary; and
 - d. Twenty (20) parking spaces for exclusive public use on the southeast corner of the site adjacent to the beach.

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3. Maintenance. The public access areas referred to in Special Condition II-B-2, shall be permanently maintained by, and at the expense of, the permittee unless and until the City of San Rafael has accepted the offer of dedication of the public access areas identified by City of San Rafael Resolution No. 5330, and has agreed in writing to undertake the permanent maintenance of those areas, or until other arrangements have been approved by or on behalf of the Commission.
4. Map. Prior to commencement of construction, the permittee shall provide a copy of the final subdivision map of the phase(s) within the Commission's jurisdiction, as approved by the City of San Rafael, that shows each parcel within the subdivision, all public access areas, the tideland portion of the property, the levee, the 6-foot above Mean Sea Level contour line at the levee, the line 100 feet inland from the 6-foot above Mean Sea Level contour line, and all road improvements. The subdivision map shall be annotated to the effect that the public access areas are, or are to be by a date specific, dedicated in fee, to the City of San Rafael for the purposes set out in this authorization.

C. Dedication of Tideland Lots. Prior to completion of the project, but no later than July 30, 1981, and according to the schedule required by the City of San Rafael, the permittee shall, by instrument or instruments acceptable to counsel for BCDC, transfer all rights and interest in an approximately 145-acre area of tideland around the perimeter of the property to the City of San Rafael. The instrument or instruments shall provide that the lands shall be used only for open space in perpetuity and that no fill shall occur on these lands.

D. Notice and Assignment

1. Notice to Lot Buyers. Prior to entering into any agreement to sell or otherwise transfer any interest in the property to any third party, the permittee, or any assignee of this authorization or any part of it, shall provide the party with a copy of this authorization and shall call his or her attention especially to the provisions regarding public access and parking.
2. Partial Assignment of Authorization. Within ten (10) days after executing any agreement to sell or otherwise transfer any interest in the property to a buyer of a lot or parcel within the Commission's jurisdiction, the transferor shall notify BCDC of the nature of the transfer, the name, telephone number and address of the buyer and the date of the transfer and shall also submit a partial assignment of this authorization for the area transferred that has been executed by the buyer indicating that the buyer has read, understood, and agreed to the terms and conditions of this authorization.

PERMIT NO. 28-78
Robert H. Greene
Page 5

E. Permit Recordation. The permittee shall record this authorization or a notice referring to this authorization with Marin County within thirty (30) days after its execution. Evidence of the recording shall be provided to the Commission.

F. Horizontal Control Points. No work whatsoever shall be performed at any location pursuant to this authorization until the permittee installs a minimum of two permanent horizontal control points of a type and at a location approved by or on behalf of the Commission. These control points shall be placed under the supervision of a registered engineer or land surveyor, and shall be accurately located and mapped in relation to each other, to the closest known existing control point or other acceptable fixed point in the project area, and to the limits of any proposed fill in the Bay. These control points shall be located so as to facilitate field checking, with simple equipment, of the limits of the fill authorized pursuant to this authorization. Such fill limits shall be dimensioned from these control points, or, if the scale of the drawing is adequate, it shall carry a note stating that field dimensions may be scaled from the drawing and the accuracy of such scaling, e.g., "Field dimensions to an accuracy of $\pm 1'$ may be scaled from this drawing." The locations of these control points shall be clearly shown on all plans submitted pursuant to Special Condition II-A.

G. Commission Jurisdiction Over Fill Area. Notice is hereby given that, under the McAteer-Petris Act, the area of the approved project that is within the Commission's jurisdiction under Section 66610(a) remains within that jurisdiction even after fill or a substantial change in use authorized by the Commission may have changed the character of an area, and that the permittee or the permittee's successors in interest will require further authorization by or on behalf of the Commission prior to any future change of use or work within areas filled pursuant to this authorization.

III. Findings and Declarations

This authorization is given on the basis of the Commission's findings and declarations that the work authorized herein is consistent with the McAteer-Petris Act, the San Francisco Bay Plan, and the California Environmental Quality Act of 1970 for the following reasons:

A. Use. The proposed office, commercial and light industrial uses are not in any shoreline area designated on Bay Plan Map 11 for any priority use and are therefore consistent with the Bay Plan.

B. Fill. An approximately 1,144-foot-long levee lies around the north and eastern perimeter of the site. Fill consists of 5,300 cubic yards of rock and concrete riprap for shoreline protection and is the minimum amount necessary for which fill may be permitted in accordance with Government Code Section 66605(c) and the San Francisco Bay Plan.

PERMIT NO. 28-78
Robert H. Greene
Page 6

C. Public Access. Approximately 120,450 square feet of area which varies in width from 35 to 100 feet wide will be permanently provided as continuous public access along the Bay. A par course and beach will also be developed as part of public access improvements. Public access to the nearest thorough fare will be provided by public easement. Such physical access, as required by Special Condition II-B, is the maximum feasible public access to the Bay and its shoreline consistent with the project, as required by Government Code Section 66632.4 of the McAteer-Petris Act and the Bay Plan Policies on Public Access.

D. Public Trust. By this authorization, the Commission finds that the fill placed in the Commission's "bay" jurisdiction for shoreline protection is consistent with the public trust.

E. Environmental Impact Report. The Redevelopment Agency of the City of San Rafael, the lead agency for the project, certified the Final Environmental Impact Report for Spinnaker Point on December 15, 1976. The lead agency found that there would be no significant effects because the impacts would be mitigated or were not significant initially.

F. Conclusion. For all of the above reasons, the benefits of the proposed project exceeds the detriment from the loss of water area. The Commission further finds, declares, and certifies that the activity or activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

IV. Standard Conditions

A. All required permissions from governmental bodies must be obtained before the commencement of work; this includes, but is not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city and/or county in which the work is to be performed, whenever any of these may be required. This permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.

B. The attached Notice of Completion shall be returned to the Commission within thirty (30) days following completion of the work.

C. Work must be performed in the precise manner and at the precise locations indicated in your application.

D. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittee will be subject to the regulations of the Regional Water Quality Control Board in that regard.


PERMIT NO. 28-78
Robert H. Greene
Page 7

E. The rights derived from this permit are assignable, but such assignment shall not be effective until the assignee shall have executed and the Commission shall have received an acknowledgment that the assignee has read and understood the application for this permit and the permit itself, and agrees to be bound by the conditions hereof.

F. Except as otherwise noted, violation of any of the terms of this permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee or to his assignee if the permit has been effectively assigned.

G. This permit shall not take effect unless the permittee executes the original of this permit and returns it to the Commission within fifteen (15) days after the date hereof.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.


MICHAEL B. WILMAR
Acting Executive Director

MBW/NT/mm

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board, Attn:
Certification Section
Environmental Protection Agency, Attn: Eric Yunker, E-4-2
City of San Rafael, Attn: Planning Department
City of San Rafael, Attn: Department of Public Works
San Rafael Redevelopment Agency


* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at San Rafael Calif. ROBERT H GREENE
Applicant

On 6/22/79 By: Robert H. Greene
owner
Title

State of California)
County of San Francisco)


HARRY R. GRIFFIN
NOTARY PUBLIC - CALIFORNIA
COUNTY OF SAN FRANCISCO
My commission expires Sept. 12, 1981

On this 2nd day of August, in the year 1979,
before me Harry R. Griffin personally appeared Michael B. Wilton
known to me ~~(or proved to me on the oath of~~
to be Executive Director of the San Francisco Bay Conservation
and Development Commission and known to me to be the person who executed
the within instrument on behalf of the San Francisco Bay Conservation and
Development, and acknowledged to me that the San Francisco Bay Conservation
and Development Commission executed the same.

Harry R. Griffin

STATE OF CALIFORNIA)
COUNTY OF Marin) ss.


On this 19th day of July in the year one thousand nine
hundred and seventy-nine before me, Ardith Owens,
a Notary Public, State of California, duly commissioned and sworn, personally
appeared ROBERT H. GREENE

known to me to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my
official seal in the County of Marin the day and year
in this certificate first above written.

Ardith Owens
Notary Public, State of California

My commission expires January 7, 1980


OFFICIAL SEAL
ARDITH OWENS
NOTARY PUBLIC - CALIFORNIA
Principal Office in MARIN County
My Commission Expires Jan. 7, 1980

This document is only a general form which may be proper for use in simple transactions
and in no way acts, or is intended to act, as a substitute for the advice of an attorney.
The publisher does not make any warranty, either express or implied, as to the legal
validity of any provision or the suitability of these forms in any specific transaction.

Cowdery's Form No. 32-Acknowledgement-General (C. C. Sec. 1190a)

RECORDING REQUESTED

RECEIVED

RECORDED BY REQUEST OF
City of S.R.

33026902

AND WHEN RECORDED MAIL TO

MAR 25 1986

1983 JUL -3 PM 3:15

Exhibit 6

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

OFFICIAL RECORDS
MARIN COUNTY CALIFORNIA
W. BRUCE SHAFER

Name
Street Address
City & State
OFFICE ENGINEER
CITY OF SAN RAFAEL
DEPT. OF PUBLIC WORKS
P.O. BOX 60
SAN RAFAEL, CA 94915

* 800

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO

Name
Street Address
City & State

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ _____

() Computed on full value of property conveyed, or

() Computed on full value less liens.

() Unincorporated area () City of _____

Tax Parcel No. _____

AP. 9-161-04, 22, 36, 41, 42

9-290-01, 02 + 03

GRANT DEED

JOE SHEKOU AND HAIDY SHEKOU
also known as, HAIDI SHEKOU, his wife

(GRANTOR - GRANTORS)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Do Hereby Grant To

CITY OF SAN RAFAEL
A Municipal Corporation

the real property in the City of San Rafael
County of Marin

, State of California, described as follows:

PARCEL ONE: A Shoreline Band; as described on the attached
Exhibit "A".

PARCEL TWO: As described on the attached Exhibit "B"; an easement
for public access purposes.

RECEIVED

JAN 8 1986

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Dated MARCH 3, 1983

STATE OF CALIFORNIA
COUNTY OF
Marin } ss.

On March 3, 1983

before me, the undersigned, a Notary Public in and for
said County and State, personally appeared
Joe Shekou and
Haidy Shekou

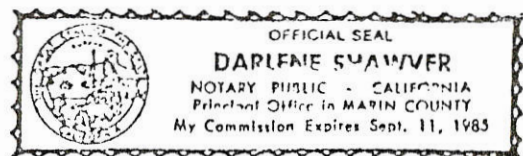
known to me to be the person(s) whose name(s) is (are)
subscribed to the within instrument and acknowledged that
they executed the same.

(Seal) Darlene Shawver
(Notary signature line)

Darlene Shawver

(His name (notary's) shall be typed or legibly printed")
(Sec. 8205 - Government Code 1959)

Joe Shekou
Joe Shekou
Haidy Shekou
Haidy Shekou



ORIGINAL

EXHIBIT "A"

Exhibit 6

LEGAL DESCRIPTION

PARCEL A - SHORELINE BAND
San Rafael, California

Real property situate in the City of San Rafael, County of Marin, State of California, described as follows:

Beginning at the most southeasterly corner of the lands described in the deed from Francisco Properties to Fairview Lands, Inc. recorded September 2, 1967 in Book 2160 of Official Records, at Page 162, Marin County Records, said corner being on the westerly line of the Lands of Francisco Properties, recorded in Book 3381 of Official Records, at Page 341, Marin County Records; thence leaving said southeasterly corner (2160 OR 162) along the easterly and southerly lines of said Francisco Properties (3381 OR 341) South $0^{\circ}04'00''$ West, 371.95 feet; and thence South $89^{\circ}56'00''$ East, 659.87 feet to the northwesterly corner of the Lands of Marin Rod and Gun Club, recorded in Book 913 of Official Records, at Page 341, Marin County Records; thence leaving said southerly line (3381 OR 341) along the westerly line of said Marin Rod and Gun Club (913 OR 341) South $0^{\circ}04'00''$ West, 427.66 feet to a point on the northerly line of Francisco Boulevard; thence leaving said westerly line (913 OR 341) along said northerly line of Francisco Boulevard westerly along a curve to the left whose center bears South $14^{\circ}58'20''$ West, having a radius of 527.00 feet, through a central angle of $10^{\circ}38'15''$, an arc length of 97.84 feet; thence leaving said northerly line North $6^{\circ}55'00''$ East, 55.28 feet; thence North $83^{\circ}05'00''$ West, 15.00 feet; thence along a tangent curve to the left, having a radius of 600.00 feet, through a central angle of $6^{\circ}51'00''$, an arc length of 71.73 feet; thence North $0^{\circ}04'00''$ East, 101.00 feet, thence South $89^{\circ}56'00''$ East, 17.00 feet; thence North $0^{\circ}04'00''$ East, 81.00 feet; thence South $89^{\circ}56'00''$ East, 19.00 feet; thence North $0^{\circ}04'00''$ East, 38.00 feet; thence North $89^{\circ}56'00''$ West, 121.00 feet; thence South $0^{\circ}04'00''$ West, 10.00 feet; thence North $89^{\circ}56'00''$ West, 27.00 feet; thence South $0^{\circ}04'00''$ West, 14.00 feet; thence North $89^{\circ}56'00''$ West, 66.00 feet; thence South $0^{\circ}04'00''$ West, 12.00 feet;

; thence North $89^{\circ}56'00''$ West, 110.00 feet; thence North $0^{\circ}04'00''$ East, 29.00 feet; thence North $89^{\circ}56'00''$ West, 143.00 feet; thence along a tangent curve to the right, having a radius of 5.00 feet, through a central angle of $90^{\circ}00'00''$, an arc length of 7.85 feet; thence North $0^{\circ}04'00''$ East, 15.00 feet; thence North $89^{\circ}56'00''$ West, 15.00 feet; thence North $0^{\circ}04'00''$ East, 11.00 feet; thence North $89^{\circ}56'00''$ West, 83.00 feet; thence North $0^{\circ}04'00''$ East, 14.00 feet; thence North $89^{\circ}56'00''$ West, 15.00 feet; thence along a tangent curve to the right, having a radius of 5.00 feet, through a central angle of $90^{\circ}00'00''$, an arc length of 7.85 feet; thence North $89^{\circ}56'00''$ West, 32.00 feet; thence North $0^{\circ}04'00''$ East, 456.76 feet to a point on the southerly line of the Lands of said Fairview Lands, Inc. (2160 OR 162); thence along said southerly line (2160 OR 162) North $88^{\circ}31'11''$ East, 97.37 feet to the Point of Beginning.

Containing 4.126 acres, more or less.

ATC:REB

EXHIBIT "B"

Exhibit 6

LEGAL DESCRIPTION

24' PUBLIC ACCESS AND MARIN
ROD AND GUN CLUB ACCESS EASEMENT
San Rafael, California

Real property situate in the City of San Rafael, County of Marin, State of California, described as follows:

A strip of land 24 feet in width laying 12 feet on each side of the following described line:

Commencing at the southeasterly corner of the Lands of Kinderman recorded in Book 2977 of Official Records, at Page 99, Marin County Records; said corner being on the northerly line of Francisco Boulevard; thence leaving said southeasterly corner (2977 OR 99) along said northerly line of Francisco Boulevard North $86^{\circ}02'42''$ East, 168.89 feet to the True Point of Beginning; thence leaving said northerly line of Francisco Boulevard along a curve to the right whose center bears North $86^{\circ}02'42''$ East, having a radius of 35.00 feet; through a central angle of $41^{\circ}48'37''$, an arc length of 25.54 feet; thence along a tangent curve to the right, having a radius of 80.00 feet, through a central angle of $52^{\circ}12'41''$, an arc length of 72.90 feet; thence South $89^{\circ}56'00''$ East, 40.50 feet; thence along a tangent curve to the left, having a radius of 320.00 feet, through a central angle of $12^{\circ}20'08''$, an arc length of 68.90 feet; thence North $77^{\circ}43'52''$ East, 247.81 feet; thence along a tangent curve to the right, having a radius of 200.00 feet, through a central angle of $12^{\circ}20'08''$, an arc length of 43.06 feet; thence South $89^{\circ}56'00''$ East, 8.39 feet; thence along a tangent curve to the right, having a radius of 588.00 feet, through a central angle of $6^{\circ}51'00''$, an arc length of 70.30 feet; thence South $83^{\circ}05'00''$ East, 15.00 feet to the terminus of this easement.

Side lines to be lengthened or shortened to close on the northerly line of Francisco Boulevard and by a line which bears South $6^{\circ}55'00''$ West at the easterly terminus of this easement.

ATC:REB

RESOLUTION NO. 6545**Exhibit 6**

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SAN RAFAEL ACCEPTING GRANT OF SHORELINE
BAND AND EASEMENT FOR PUBLIC ACCESS PURPOSES
BAY PARK SUBDIVISION

WHEREAS, public interest, convenience and welfare require that the shoreline band and public access hereinafter mentioned be accepted and used for the benefit of the public of the City of San Rafael, California;

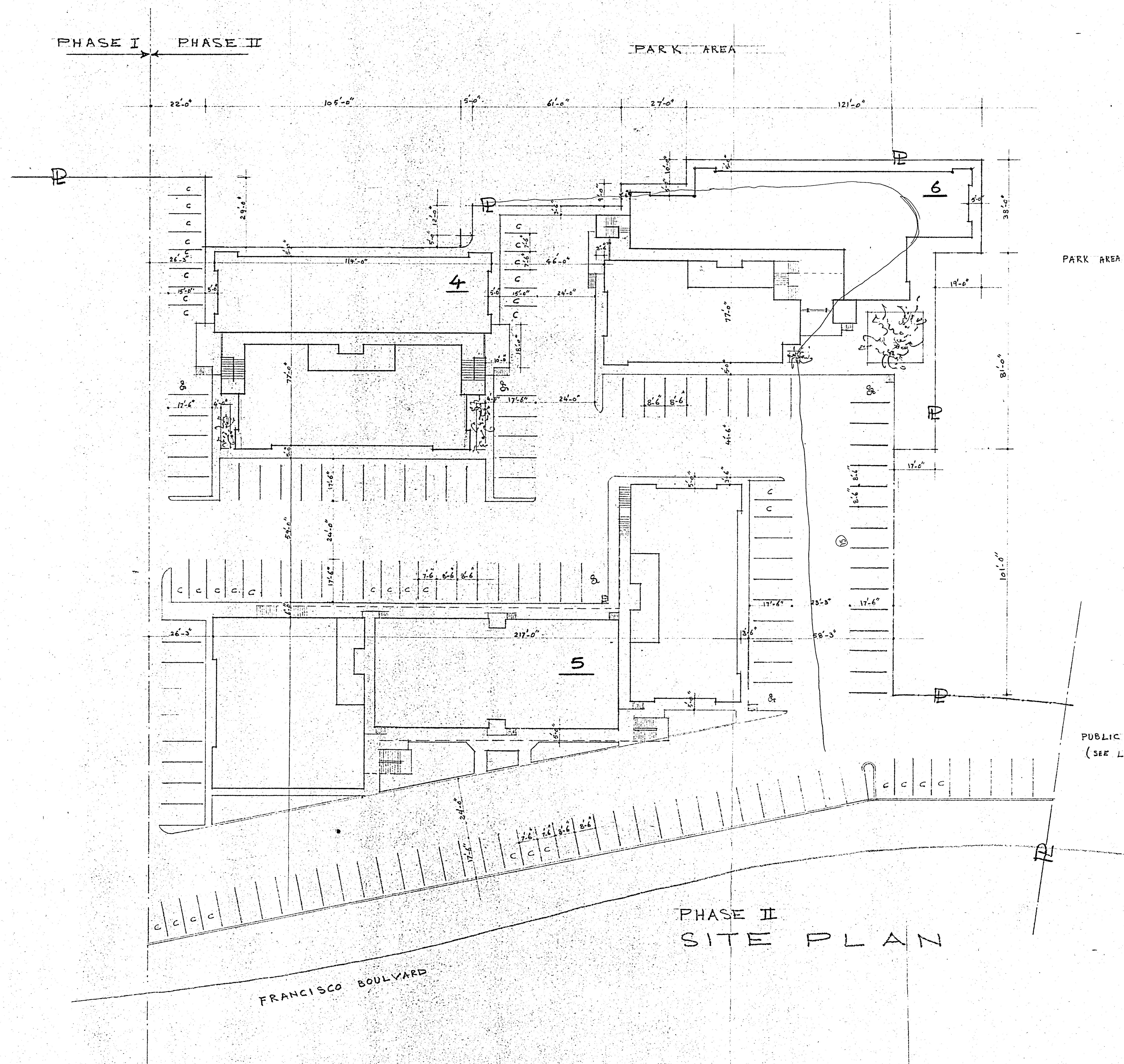
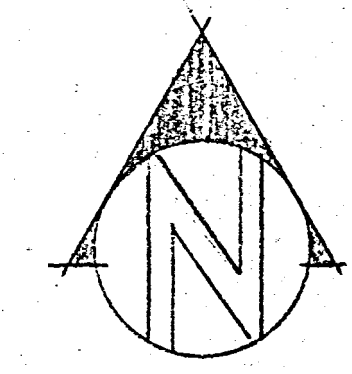
NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of San Rafael, California, that the certain grant deed of conveyance of a shoreline band and an easement for public access purposes in the Bay Park Subdivision, executed by Joe and Haidy Shekou to the City of San Rafael, dated March 3, 1983, be and the same is hereby accepted and the Clerk of said City is hereby directed to cause said conveyance to be duly recorded in the office of the County Recorder of the County of Marin, State of California, forthwith upon the adoption of this resolution.

I, JEANNE M. LEONCINI, Clerk of the City of San Rafael, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City held on the 16th day of May, 1983, by the following vote, to wit:

AYES: COUNCILMEMBERS: Frugoli, Miskimen & Vice-Mayor Jensen
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: Breiner & Mayor Mulryan

Jeanne M. Leoncini
JEANNE M. LEONCINI, City Clerk

Exhibit 7



BUILDING USE/AREA BREAK IN

		OFFICE	RESEARCH	WAREHOUSE	TOTAL
1-BUILDING 4	1	6991			14017
	2	7026			
2-BUILDING 5	1	7953		3837	21363
	2	7986	1587		
3-BUILDING 6	1	7225			14484
	2	7259			
TOTAL		44440	1587	3837	49864

REQUIRED PARKING

FOR: OFFICE SPACE @ 3/1000 S.F. 133 CARS
 RESEARCH SPACE @ 2/1000 S.F. 4 CARS
 WAREHOUSE SPACE @ 1/1000 S.F. 4 CARS

TOTAL 141 CARS
 PARKING PLANNED = 147 CARS

PUBLIC PARKING 4 FACILITIES
 (SEE LANDSCAPE PLAN)

- NOTE
- HANDICAP PARKING STALL (SHOWN '8')
 - STANDARD PARKING STALL 8'-6" x 19'-0" WITH 1'-6" VEHICLE OVERHANG
 - COMPACT PARKING STALL (SHOWN 'C') 7'-6" x 15'-0"

PHASE II SITE PLAN

FRANCISCO BOULEVARD

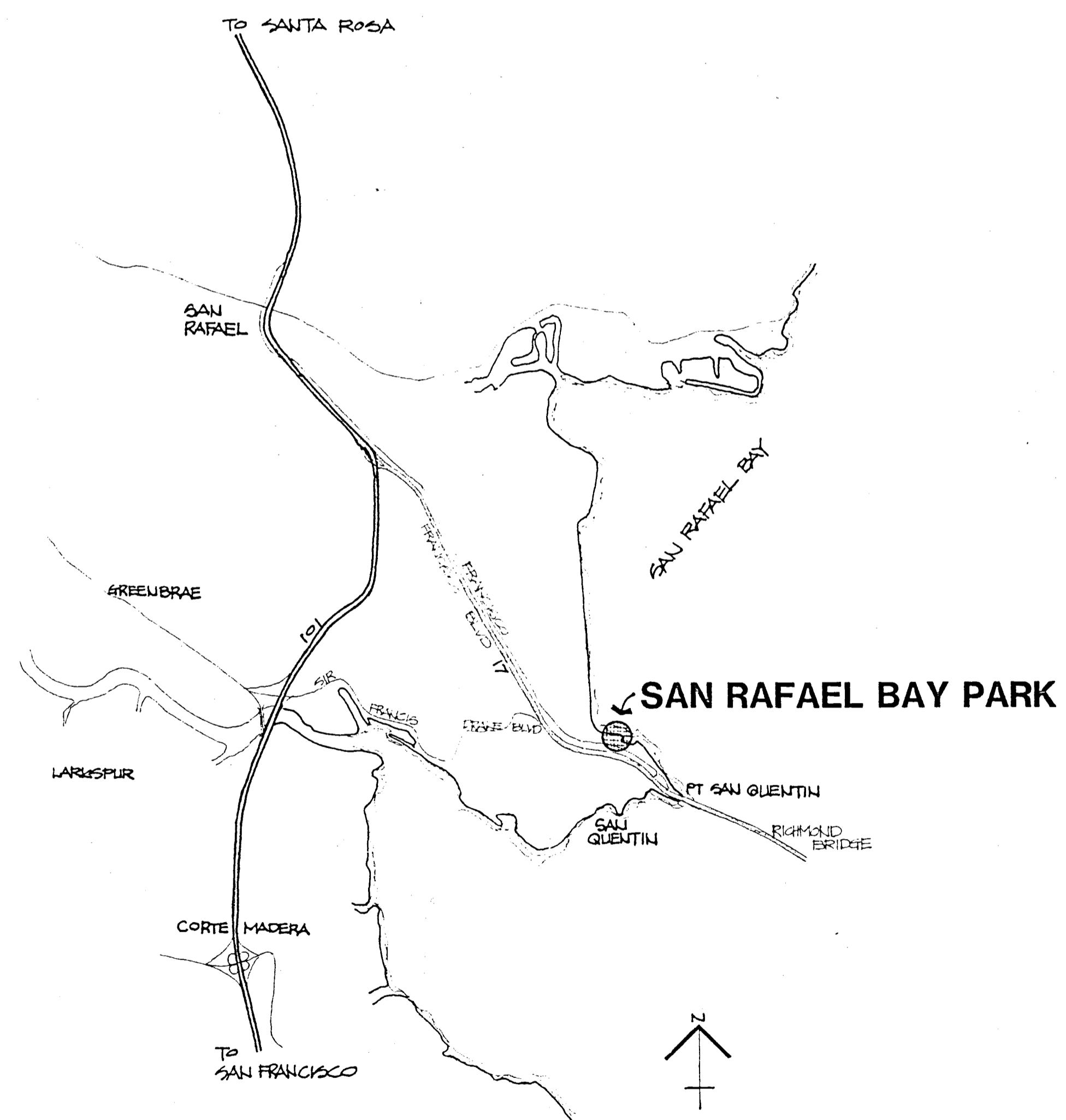
BCDC PERMIT NO. 28-78
 APPROVED PLAN
 For: Layout of Phase II parking, driveway, utility buildings
 By: *Edo Merrill*
 Date: 9/2/83

SAN RAFAEL BAY PARK 2175 FRANCISCO BLVD SAN RAFAEL CA. 94901			
SCALE: 1" = 20'	APPROVED BY:	DRAWN BY H. K.	
DATE: AGU. 1983		REVISED	
FOR: ROOTS CONSTRUCTION			
HORMOZ KHOSROVI ARCHITECT			DRAWING NUMBER A-1

SAN RAFAEL BAY PARK

CITY OF SAN RAFAEL

LOCATION MAP



LANDSCAPE ARCHITECTS & PLANNERS
 ROYSTON HANAMOTO ALLEY & ABEY
 225 MILLER AVENUE, MILL VALLEY, CALIFORNIA 94941

LIST OF DRAWINGS

- L-1 GRADING & DRAINAGE PLAN
- L-2 PLANTING PLAN, PLANT LIST & DETAILS
- L-3 CONSTRUCTION DETAILS
- L-4 IRRIGATION PLAN
- L-5 IRRIGATION DETAILS

BCDC PERMIT NO. 20750
 APPROVED PLAN
 For: Final Landscaping
 By: Jen Anne
 Date: July 27, 84

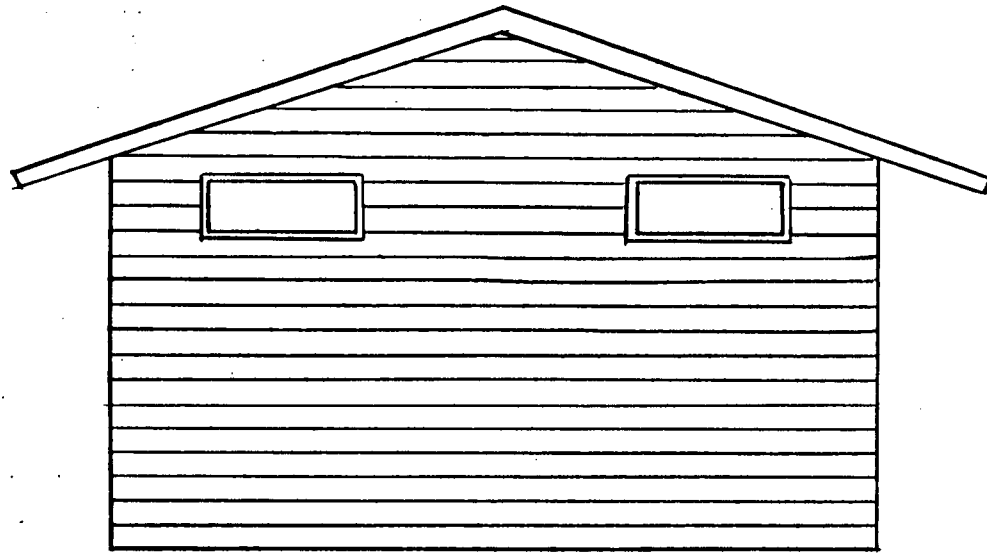
Comments

1. Retaining: Min 8' wide
 post-tension connections @ 6' wide
 2. Sealing: Boulder patting areas ~ 20-30'
 4' boulders replaced, pls
 use 2" x 6" wide benches in
 of the six patting
 areas.
 3. Trees: pls use Fresh cuttings
 & strip-downing lid.
 4. Retaining: ok
- Grading, Irrigation,
 P. Restrooms &
 Signing Plans.

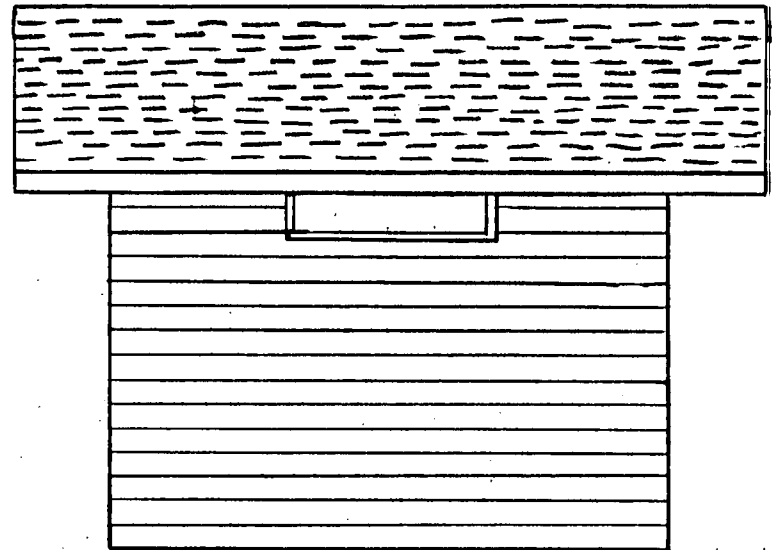
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 MAR 13 1984
 SAN FRANCISCO BAY CONSERVATION
 & DEVELOPMENT COMMISSION

Exhibit 7

RECEIVED
JUL 15 1984
MUNICIPAL ENGINEER



EAST VIEW



NORTH OR
SOUTH VIEW

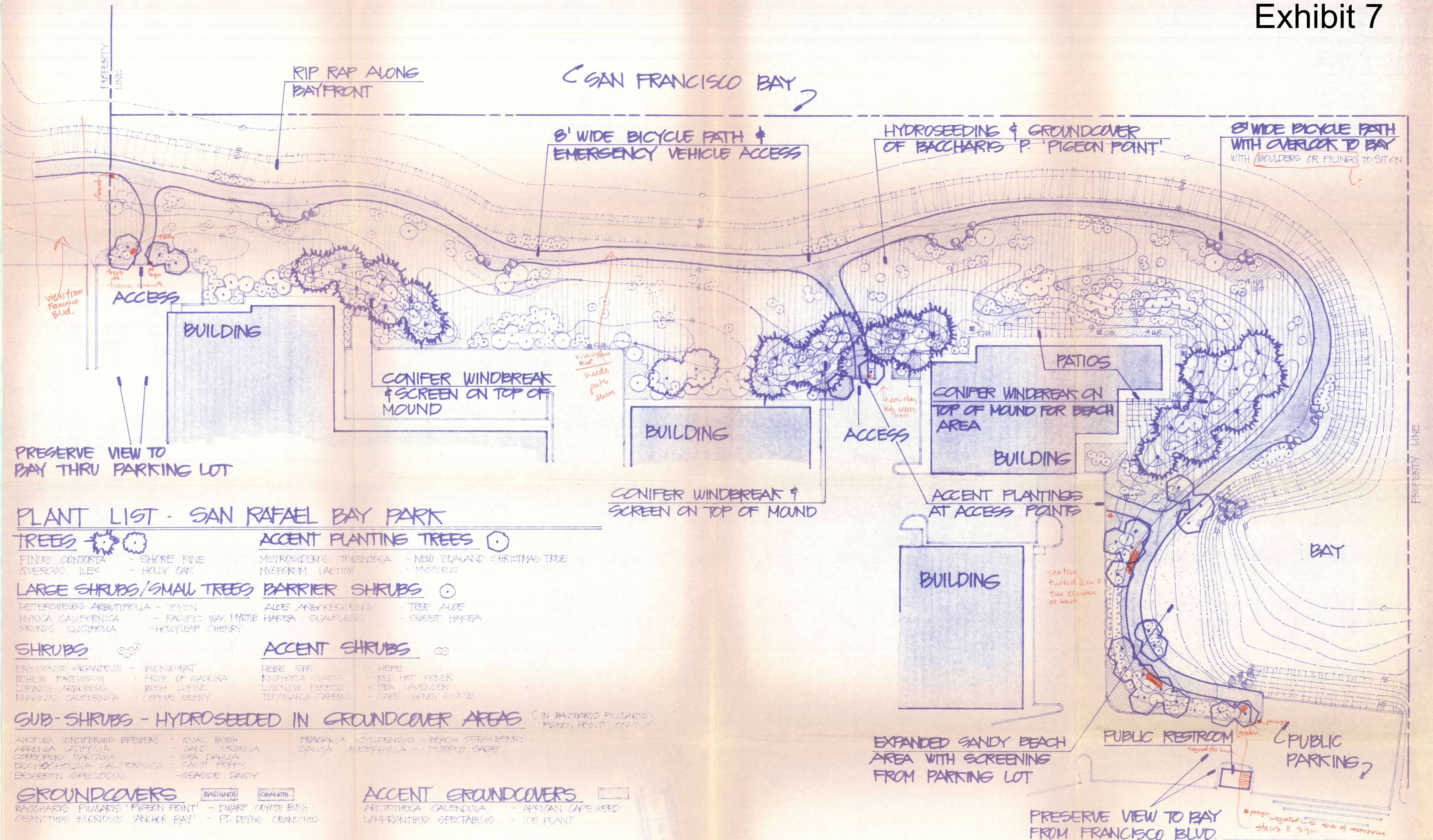
PUBLIC RESTROOMS

ROOTS CONSTRUCTION CO.

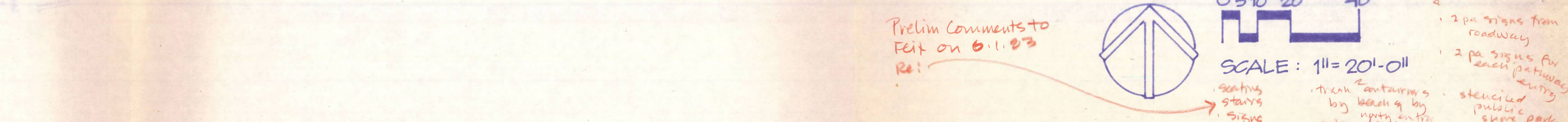
SCALE 1/4" = 1'

SHEET A2

JULY 1984



- PLANT LIST - SAN RAFAEL BAY PARK**
- | | |
|---|--|
| TREES | ACCENT PLANTINGS TREES |
| <ul style="list-style-type: none"> PINUS CONTORTA - SHORE PINE QUERCUS ILEX - HOLLY OAK | <ul style="list-style-type: none"> METROSIDEROS TOMENTOSA - NEW ZEALAND CHRISTMAS TREE MYOPORUM LAETUM - MYOPORUM |
| LARGE SHRUBS/SMALL TREES | BARRIER SHRUBS |
| <ul style="list-style-type: none"> HETEROMELES ARBUTIFOLIA - TOYON MYRTICA CALIFORNICA - PACIFIC WAX MYRTLE PRUNUS ILICIFOLIA - HOYLEAF CHERRY | <ul style="list-style-type: none"> ALICE AREGRESCENS - TREE ALICE HAKA SUIWOLENS - SWEET HAKA |
| SHRUBS | ACCENT SHRUBS |
| <ul style="list-style-type: none"> ERIGONUM GIGANTEUM - BUCKWHEAT ECHINUM MACULOSUM - FISH OF WADEIRA LUPINUS AREGRENSIS - BUSH LUPINE RHAMNUS CALIFORNICA - COFFEE BERRY | <ul style="list-style-type: none"> HEBE SPP. - HEBE KNIPHOPXA DIVARICA - RED HOT POKER LIMNODUM FEREZII - SEA LAVENDER TEUCARIA CAERULEA - CAFE HONEY SUCKLE |
| SUB-SHRUBS - HYDROSEEDED IN GROUNDCOVER AREAS | (IN BACCHARIS P. 'PIGEON POINT' ONLY) |
| <ul style="list-style-type: none"> ATRIFLEX LENTIFORMIS BREWERI - QUAIL BUSH AERONIA LATIFOLIA - SAND VERBENA COCOECHOS MARTIMA - SEA DAHLIA ECHINOCHLOA CALIFORNICA - CAULIF POPPY ERIGERON SPECIOSUS - SEASIDE DAISY | <ul style="list-style-type: none"> FRAGARIA CHILCENSIS - BEACH STRAWBERRY GALIA VERUCOXYLLA - PURPLE SAGE |
| GROUNDCOVERS | ACCENT GROUNDCOVERS |
| <ul style="list-style-type: none"> BACCHARIS P. 'PIGEON POINT' - DWARF COYOTE BUSH CELANOTHUS ELICOIDES 'ANCHOR BAY' - FT. REYES CEANOTHUS | <ul style="list-style-type: none"> ARCTOTHECA CALENDULA - AFRICAN CAPE WEED LAMERANTHUS SPECTABILIS - ICE PLANT |



PERMIT NO. 28-78

(Issued on June 13, 1979, As Amended
and Corrected Through December 9, 1983)

AMENDMENT NO. THREE

Mr. Joe Shekou

NOTICE OF COMPLETION

RECEIVED

DEC 4 - 1985

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

San Francisco Bay Conservation
and Development Commission
30 Van Ness Avenue
San Francisco, CA 94102

Gentlemen:

You are hereby informed that the work authorized by the above-referenced
permit was completed on September 26, 1985.

Executed at San Rafael On December 2nd, 1985.

By: Joe Shekou

President
Title

Exhibit 9

PARTIAL ASSIGNMENT OF BCDC PERMIT

Joe & Haidy Shekou, by its Owners,
(full name of current permittee-assignor) (title or position of person executing for assignor, e.g., President, Secretary, etc., if any)

_____, assignor, hereby assigns only those rights
(full name of person executing for assignor, if different than assignor)

and interests in San Francisco Bay Conservation and Development Commission Permit No.

28-78, dated June 13, 1979, as amended through Amendment No.

3, dated December 9, 1983, as apply to that portion of land in
(number and date of last amendment, if applicable; otherwise, cross out)

which City of San Rafael is taking an interest and which is more
(assignee's name)

particularly described in Exhibit A, which is attached and incorporated by reference, to

City of San Rafael,
(name of entity or person receiving assignment) (type of entity receiving assignment e.g. a California Corporation, a Nevada partnership, an individual, etc.)

1400 5th Ave., P.O. Box 60, San Rafael, CA 94915-0060
(address)

Executed on this 29th day of January, 1986 at

San Rafael, California.

Joe & Haidy Shekou
(signature or assignor or person executing for assignor)

Exhibit 9

City of San Rafael, by its Director of Public Works
(full name of entity or person taking assignment) (title or position of)

David Bernardi, assignee, acknowledges that it has read and
person executing for assignee, e.g.
President, Secretary, etc.)

understood the application for Permit No. 28-78 and the permit itself, as

amended through Amendment No. 3, dated December 9, 1983,
(number and date of last amendment, if applicable;
otherwise cross out)

and hereby accepts those rights, interest, and obligations in BCDC Permit No. 28-78,

as amended, and agrees to be bound by all the terms and conditions of the permit and

any amendments that apply to the property in which assignee is taking an interest,

which is more particularly described in Exhibit A.

Executed on this 6, day of FEBRUARY, 1984, at

San Rafael, California.

David M. Bernardi
(signature of assignee or person
executing for assignee)

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CA 94102-6080
PHONE: (415) 557-3686



Exhibit 9

March 27, 1986

Mr. Joe Shekou
Roots Construction Company, Inc.
2175 Francisco Blvd.
San Rafael, CA 94901

SUBJECT: BCDC Permit No. 28-78, San Rafael Bay Park, San Rafael

Dear Mr. Shekou:

Recently you sent to Commission staff the partial assignment form, assigning in part BCDC Permit 28-78 to the City of San Rafael. Staff has reviewed and hereby approves the partial assignment for this permit. Completion of the partial assignment also satisfies Special Conditions II-B-1 and 2 and II-C of the permit which guarantees the public access area to be open to the public and the open space tidelands to be undeveloped.

Our records and a previous site inspection indicate that you are now in full compliance with the terms and conditions of BCDC Permit No. 28-78.

Thank you for your cooperation in completing an attractive public access area.

Sincerely,

A handwritten signature in cursive script that reads "Joan Lundstrom".

JOAN LUNDSTROM
Enforcement Analyst

JL:cg

cc: David Bernardi, Director of Public Works,
City of San Rafael



December 21, 2016

File No.: 22.08.11

San Francisco Bay Conservation and Development Commission
Attn: Ethan Lavine
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

**Re: Permit Amendment Request – Shoreline Park Pathway
BCDC Permit No. 1978.028.00 (Formerly Permit No. 28-78)**

Dear Mr. Lavine,

A small public restroom facility was built at the termination of the Shoreline Park Pathway as part of the adjacent San Rafael Bay Park development in the 1980's. It is located within a portion of the City of San Rafael's Shoreline Park that was dedicated in fee to the City by San Rafael Bay Park. The restroom is listed in BCDC Permit No. 1978.028.00 (formerly referred to as Permit No. 28-78) as a required access feature.

Shortly after construction of the public restroom, the City closed the restroom due to repeated vandalism and security issues. The City received a violation letter from BCDC on November 21, 2016 that directs us to reopen the restroom. We have been actively working with BCDC staff to address this issues stated in the letter including providing an operational restroom. The permit does not currently contain a provision that would allow the City to impose use restrictions on the restroom, such as limiting hours. The City maintains more than 20 different parks throughout our community in which we limit the hours of the restroom facilities to dawn to dusk.

The property manager for the adjacent office complex currently observes illegal activities occurring near this restroom at all hours of the day, but particularly after dark. Based on the fact that there are illicit activities occurring at this location and the fact that other park restrooms within the city limit the restroom use to 7:00 am to 7: 00 pm, we request that this restroom facility have the same hours of operation limitations.

Please amend BCDC Permit No. 1978.028.00 to include the following condition:

Reasonable Rules and Restrictions

The use of the restroom facility may be limited to dawn to dusk. Additional modifications to the hours of operation for the restroom shall be reviewed and approved the BCDC.

If you have questions or comments please contact Stephanie Gindlesperger at 415-485-3454 or she may be reached at stephanie.gindlesperger@cityofsanrafael.org.

Very truly yours,



Kevin McGowan
Assistant Public Works Director/City Engineer

Cc: Bill Guerin, Director of Public Works
Stephanie Gindlesperger, Associate Civil Engineer



CITY OF San Rafael

Exhibit 10.5

MAYOR GARY O. PHILLIPS
VICE MAYOR ANDREW CUYUGAN MCCULLOUGH
COUNCILMEMBER KATE COLIN
COUNCILMEMBER MARIBETH BUSHEY
COUNCILMEMBER JOHN GAMBLIN

PUBLIC WORKS DEPARTMENT: (415)485-3355 FAX: (415)485-3334
Kevin McGowan, Acting Director of Public Works

July 20, 2015

File No. 06.08.30

Jaime Michaels
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

RECEIVED
JUL 22 2015

Re: **Demolition of the Shoreline Park Pathway Restroom (San Rafael BCDC Permit No. 1978.028.00 (Formerly Permit No. 28-78))**

Ms. Michaels,

A small public restroom facility was built at the termination of the Shoreline Park Pathway as part of the adjacent San Rafael Bay Park development in the 1980's. It is located within a portion of the City's Shoreline Park that was dedicated in fee to the City by San Rafael Bay Park. The restroom is listed in BCDC Permit No. 1978.028.00 (formerly referred to as Permit No. 28-78) as a required access feature.

Shortly after construction of the public restroom, the City closed the restroom due to repeated vandalism and security issues. The restroom has now been boarded up for approximately 30 years. The property manager for the adjacent office complex has observed an increase in illegal activities near this restroom at all hours of the day, including breaking and entering into the restroom.

The City of San Rafael adopted the 1989 San Rafael Shoreline Park Master Plan and the 1991 Shoreline Enhancement Plan which established types of public access improvements for the Shoreline Park including but not limited to landscaping, asphalt and crushed stone paths, benches, and interpretive display kiosks. These plans did not call for public restrooms to be located within the park.

The City requests to amend BCDC Permit No. 1978.028.00 to remove this public restroom as a required access feature so that the City can demolish this abandoned restroom. The City understands the original intent of this restroom but the restroom has proven to be a public safety liability. It is the City's desire to create a safe, family-friendly atmosphere that meets open space, wildlife habitat, and recreational objectives and the removal of this restroom is consistent with these objectives.

Sincerely,

Leslie Blomquist
Acting Assistant Director of Public Works/City Engineer

Encl: copy of BCDC Permit No. 1978.028.00 (formerly Permit No. 28-78)
cc: Stephanie Gindlesperger, Assistant Civil Engineer

Amendment No. 4 to 1978.028
Rec'vd on 7/22/15
Staff asgnd Tinya
Logged on 7/21/15
Fee Paid _____
Non-Mat

M. 5/5/15 2015 - Michelle or Erik

(?)

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

Violation Investigation Report Form

Report Taken By: R. Montes Date: 3/20/15 Time: 11:00

Reported By: John Ray Mailing Address: Telephone No.: 415-472-2949

Description of Alleged Violation: City of San Rafael is advertising for contractors to bid on a project near the shoreline at 2959 E. Francisco Blvd near the Richmond-RK bridge. There's no BCD C public notice posted

Location, City, County: (2959) E. Francisco Blvd San Rafael APN(S):

Name of Accused: City of San Rafael Mailing Address: Telephone No.(s):

Name of Contractor/Agent: Mailing Address: Telephone No.(s):

Investigated By: Matthew Trujillo Date Undertaken: 10/19/2015

Date ER File Established: 10/19/2015 Number Given: ER2015-24 Related File(s): 1978.028.03

Details of Facts and Contacts to Prove or Further Explain the Violation(s): I talked to Steve Stamford with the City as follow up. He informed me that everything's on the up-and up. However, the more I asked him questions about the project and BCD C permit, the more elusive he was. I asked him to send me information (cc: Jaime) regarding this project. So far, we've got nothing Rafael says never sent info.

How Resolved and When: Application submitted 7/20/15 to demolish public restroom. this file may be closed, per AK 3/9/16 Dollar Amount of Fine (If any): Date Paid:

SAN FRANCISCO BAY CONSERVATION
AND DEVELOPMENT COMMISSION

Violation Investigation Report Form

Report Taken By <i>Maggie Weber</i>	Date <i>2/24/16</i>	Time
Reported By <i>cc</i>	Mailing Address	Telephone No.

Description of Alleged Violation
public access violations- closed public restroom, no P.A. signage, private property signs, no notation of P.A. parking, significant maintenance issues

Location, City, County <i>Francisco Drive, San Rafael, Marin</i>	APN(S)
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Name of Accused <i>City + Roots Construction Co.</i>	Mailing Address	Telephone No.(s)
---	-----------------	------------------

Name of Contractor/Agent <i>Joe Shekou</i>	Mailing Address	Telephone No.(s)
---	-----------------	------------------

Investigated By <i>Maggie Weber</i>	Date Undertaken <i>2/24/16</i>
--	-----------------------------------

Date ER File Established ER 2015 <i>10/19/15</i>	Number Given <i>ER 2015.024</i>	Related File(s)
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Details of Facts and Contacts to Prove or Further Explain the Violation(s)

How Resolved and When	Dollar Amount of Fine (if any)	Date Paid
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San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

November 21, 2016

City of San Rafael Public Works Department
111 Morphew Street
P. O. Box 151560
San Rafael, California 94901

ATTENTION: Kevin McGowan and Stephanie Gindlesperger

SUBJECT: Notice of Violations of BCDC Permit No. 1978.028.03
(BCDC Enforcement File No. ER2015.024)

Dear Mr. McGowan and Ms. Gindlesperger:

Thank you for making the time to meet with Chief of Permits Jaime Michaels, Permit Analyst Ethan Lavine, and myself on April 26, 2016, to discuss the required public access restroom at Jean & John Starkweather Shoreline Park. As we discussed in the meeting, the public restroom adjacent to the beach and the public parking lot is required as a public access improvement by the permit, pursuant to Special Condition II.B, *Public Access*. In accepting the dedication of the public access areas required under the permit, as shown in the attached untitled public access area plan received on September 1, 1982, referred to in Special Condition II.B.1, *Public Access: Area*, the City of San Rafael assumed the obligation to provide and maintain the restroom in working order as a public amenity.

However, as you have explained to us, the restroom was closed to the public shortly after it was constructed almost 30 years ago, and remains closed due to the City staff's opinion that it might pose a threat to public safety if opened. Presently, we find it difficult to accept that the public restroom is a safety hazard, since it has never been made available to the public, and no evidence has been provided to us in support of the City's claim. At our meeting in April, you said you would confer with the San Rafael Police Department and provide safety data about the location of the restroom to BCDC staff for review, the implication being that a substantiated threat might help you justify your position to BCDC staff. To date, we have not received any additional information. Therefore, in the interest of moving this case forward, we are initiating an enforcement action to restore the required public restroom to working order and address all of the public access permit violations that BCDC staff has discovered at the property.

Please understand that our intention is to ensure that the maximum feasible public access (consistent with the authorized project) to the Bay and the shoreline, as represented by the provisions of Special Condition II.B, is realized to its utmost potential. In order to do so, it is imperative that all of the existing requirements are present and activated, and/or that the permit is updated as needed. We hope you will be a willing partner agency in this endeavor. As such, I intend to work closely with you to resolve your violations as soon as possible.

City of San Rafael Public Works Department

November 21, 2016

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This enforcement letter initiates BCDC's administrative penalty clock. In order to avoid the imposition of standardized fines, all of the following five permit violations must be completely resolved, as directed, within thirty-five (35) days of the mailing date of this letter. Pursuant to Section 11386 (e)(3) of BCDC's regulations, fines will begin to accrue on Day 36 starting at \$1,000 per violation. See the Appendix to this letter for an explanation of the fine schedule and other enforcement options.

1. Failure To Provide Pedestrian & Bicycle Access Along The Entry Road To The Site.

Special Condition II.B.3.c requires the all-weather roadway that serves as the entrance to the property from Francisco Boulevard to the shoreline public parking and public access areas to be improved to provide pedestrian and bicycle access to the shoreline in addition to automobiles. It should also be clearly signed to indicate that it provides access to the shoreline. Currently, the roadway is clearly designed only to accommodate automobiles, not pedestrians and cyclists as well. Also, there are no signs indicating that it provides public shoreline access. You are hereby directed to install bicycle and pedestrian pathways in the roadway, as well as appropriate signage directing members of the public to the shoreline. (The roadway must be at least 24 feet wide.) Before commencing with the installation you must seek and obtain plan approval by BCDC staff for the pedestrian and bicycles pathways and the public access signs.¹

In order to resolve this violation, you must submit dated photographic evidence demonstrating the pathways and signs have been installed in conformance with the BCDC staff-approved plan(s).

2. Failure To Maintain The Required Public Parking Spaces At The Site. Special Condition II.B.3.d requires the installation of eighteen (18) public shore parking spaces on the southeast corner of the site, adjacent to the beach. Currently, no public parking spaces appear to exist at the property, however, judging from the records in the permit file, the parking spaces used to be designated with stenciled signs painted in each parking stall. We suspect that the stenciling wore away over time, and was never maintained. You are hereby directed to re-designate and restripe the eighteen public shore parking spaces on the southeast corner of the property adjacent to the beach in accordance with the Special Condition II.B.3.d.

In order to resolve this violation, you must seek and obtain plan approval from BCDC staff for the location of the parking spaces and for the public parking sign design and placement prior to restoring them,² and submit dated photographic evidence demonstrating that the parking spaces have been restored in accordance with the BCDC staff-approved plan(s).

¹ All new or replacement public access signs must conform to BCDC's Sign Design Guidelines and templates, which are available for download from <http://bcdc.ca.gov>.

² See footnote 1.

City of San Rafael Public Works Department

November 21, 2016

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- 3. Failure To Maintain The Required Public Access Restrooms At The Site.** Special Condition II.B.3.e requires permanent public restrooms. The public restrooms were built, but they are currently closed in violation of Special Condition II.B.4, which requires all public access improvements to be permanently maintained. You are hereby directed to reopen the restrooms and restore them to working order, as needed. If extensive remodeling of the restrooms is necessary in order to make them suitable for the public to use, you will have to seek and obtain plan approval from BCDC staff prior to commencing the work. Routine repairs and maintenance activities, such as plumbing repairs or painting do not require BCDC staff approval.

In order to resolve this violation you must contact me to schedule an inspection of the restrooms once they have been restored, and receive BCDC staff's written certification that the restrooms conform to the approved plans, if applicable.

Also, please note: the permit does not currently contain a provision that would allow you to impose rules and restrictions on the public's use of the restroom, such as limiting the availability of the restroom to certain hours of the day. Since we assume you will want to impose limitations on the public's use of the restrooms to certain hours of the day, please apply for a permit amendment to add a "Reasonable Rules and Restrictions" provision to the permit (also, see Violation No. 5).

- 4. Failure To Maintain The Required Public Access Signs.** Special Condition II.B.3.g requires the placement of seven (7) public access signs on the property as follows: one at the Francisco Boulevard entrance to the property, one at each of the entrances to the shoreline public access area, and one on each of the restrooms. There are currently four "Public Shore Trail" signs at each of the pedestrian entrances to the shoreline public access area, but the other three signs are not present at the site. Furthermore, the existing trail signs appear unkempt and neglected (see attached photos), which is a violation of Special Condition II.B.4, which requires all public access improvements at the site, including all signs, to be permanently maintained.³

You are hereby directed to restore the trail signs to like-new condition, or replace them with new BCDC Public Shore signs, and install the missing signs at the required locations in accordance with the permit condition.⁴ Before restoring and/or installing the signs you must seek and obtain plan approval for the new signs by BCDC staff.

In order to resolve this violation you must submit dated photographic evidence to me demonstrating that each of the signs has been restored and/or installed in conformance with the BCDC staff-approved plan.

³ For the purposes of assessing standardized fines, these two violations of Special Conditions II.E.3.g and II.E.4 will be treated as a single violation.

⁴ See footnote 1.

City of San Rafael Public Works Department

November 21, 2016

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- 5. Failure To Maintain The Public Access Area.** Special Condition II.B.4 requires the total public access area to be permanently maintained, including, but not limited to, irrigation of landscaping, the replacement of any plant material that becomes unkempt, and the periodic cleanup of litter and other materials deposited into the public access or open space areas. As the attached photos will attest, the entire public access area has fallen into a state of neglect.

Additionally, at the site visit I noticed that the Shoreline Park sign and the City of San Rafael Open Space sign both impose restrictions on the use of the public access area between sunrise and sunset. Normally, such restrictions might be permissible due to a Reasonable Rules and Restrictions Special Condition which is included in more recently issued permits, but due to the age of your permit, it does not contain said condition, nor any other authorization to restrict the use of the public access area. Therefore, the signs constitute an additional violation of Special Condition II.B.4 for failing to maintain the public's access to the site.

You are hereby directed to restore the landscaping, furnishings, signs and trails throughout the public access area to like-new condition, replete with new landscaping, appropriate (preferably water-saving) irrigation, restored paths, benches and signs, and eliminate materials that have been dumped in the area. You must also seek and obtain a permit amendment to include a "Reasonable Rules and Restrictions" condition in the permit to impose restrictions on the public's access to the site.

Prior to undertaking any restoration of the public access area, you must seek and obtain plan approval from BCDC staff. Your landscaping plan must be consistent with BCDC's Public Access Design Guidelines and Landscape Guide, and all of your sign plans must conform to BCDC's Sign Design Guidelines.⁵ All new and replacement furnishings should be made of recycled and/or sustainably sourced materials, such as FSC-certified wood products, recycled-and-recyclable plastic and metal products, and recycled paints.⁶

In order to completely resolve this violation, you must contact me to schedule an inspection of the site when the restoration of the public access area has been completed and receive BCDC staff's written certification that the restored public access improvements conform to the BCDC staff-approved plans, and seek and obtain BCDC staff's written approval to impose restrictions on the use of the public access area.

⁵ We understand that the four (4) existing public shore trail signs do not conform to BCDC's current sign design guidelines. It is acceptable to retain and restore the existing signs. If you choose to replace them with new signs, the new signs should conform to current guidelines.

⁶ Only primary components should conform to these guidelines. Minor components (e.g., fasteners) are excepted.

City of San Rafael Public Works Department

November 21, 2016

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Finally, when researching this enforcement case, I discovered documentation in the permit file indicating that past BCDC staff had agreed with to eliminate the par course required by Special Condition II.B.3.b and Special Condition II.B.3.f, which requires the installation of a five-foot wide stairway and crosswalk connecting Francisco Boulevard to the eastern end of the shoreline public access path, which would have provided a pedestrian connection from Francisco Boulevard to the open area adjacent to the restrooms. Judging from the permit file records, these improvements were never built; however, the permit was never amended to eliminate these public access improvements.

Upon consultation with the BCDC Regulatory Staff, we have concluded that we should not require these improvements to be built at this time. However, the permit must reflect the actual conditions at the site. Therefore, you have a choice to either voluntarily install one or both of these amenities, or, within 120 days of the date of this letter, seek and obtain a permit amendment to eliminate the requirements for the par course and the pedestrian stairway from the permit. Although we are not pursuing this as an enforcement matter at this time, failure to take action on this matter within 120 days of the date of this letter will result in an additional enforcement action.

Best Regards,



MATTHEW TRUJILLO

Coastal Program Analyst II

(415) 352-3633

mtrujillo@bcdca.gov

Attached: Appendix, photographic evidence

cc: Joe and Hadey Shekou, Roots Construction Co., Inc

City of San Rafael Public Works Department

November 21, 2016

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Appendix

Pursuant to BCDC Regulations Section 11386 (e)(3), for the failure to comply with Seven (7) Special Conditions required by BCDC Permit No. 1978.028.03.

Enforcement Options. You may resolve the penalty portion of each of the above violations by paying the standardized fines described below, you may seek resolution of your violations through a stipulated settlement agreement, or you may seek resolution through a formal enforcement proceeding that would involve a public hearing. If any of your actions are determined to be knowing and intentional violations or violate a term of a cease and desist order, the law (sections 66641.5(c) and 66641 of the McAteer-Petris Act, respectively) provides that we may refer this matter to the Office of the Attorney General, which could subject you to significant court-imposed penalties.

Standardized Fines. If each of the violations is fully corrected within 35 days of the date of this letter, no civil penalty will apply. For each violation that is corrected between 36 and 65 days after the date of the mailing of this letter, you may resolve the penalty portion of the violation by paying a standardized fine of \$1,000 per violation. For each violation that is corrected between 66 and 95 days after the date of the mailing of this letter, you may resolve the penalty portion of the violation by paying a standardized fine of \$3,000 per violation. For each violation that is corrected more than 95 days after the date of the mailing of this letter, you may resolve the penalty portion of the violation by paying a standardized fine of \$3,000 per violation, plus \$100 per day per violation, from the 96th day until each violation has been completely resolved.

Cease and Desist and Civil Penalty Order. If you have not corrected all of the violations within 125 days of the date of this letter, you may no longer have the option to settle this matter with standardized fines and we may, pursuant to sections 66638 and 66641.5(e) of the McAteer-Petris Act, commence a formal enforcement proceeding that could lead to the issuance of a cease and desist and civil penalty order with an administratively imposed civil penalty of between \$10 and \$2,000 per day up to a maximum of \$30,000 per violation.

City of San Rafael Public Works Department
November 21, 2016
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Photographic Evidence of the Public Access Area Maintenance Violations











Summary Timeline of City of SR Violation (ER2015.024)

① 30-day (violation Notif. Letter)
Sent 11/21/16

- 5 violations for failure
to comply w/ conditions of
permit No. 1978.028.03 per
Reg. 11386(e)(3)

② Provisional resolution of all
violations a/o 12/26/16.

Conditioned upon:

a) continues to act "in earnestness"
to take all necessary corrective
actions to resolve vios. by
spec. deadlines

b) failure to comply w/ (a)
will result in revocation of
p. status and imposition of fines.

③ Violation resolution dates:

#1 3/14/17, no fine

#2 3/6/17, no fine

#3 unresolved \$30K?

#4 12/28/16, no fine

Exhibit 12.5

#5 4/2017, no fine

7/28/17

④ ~~Denial~~ Notice of imposition of
fines for Vio #3: Restroom

• Assessed from 12/26/16
until resolved

⑤ 8/16/17 Ent. staff reaffirms
that Vio. #3 is unresolved and
will accrue fines until Comm. ~~hear~~
votes to remove rr req. or rr is
provided.

\$3k @ 95

3/31/17

\$30K a/o 12/26/17

Rob Epstein, City Attorney

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

January 19, 2017

Kevin McGowan
Assistant Public Works Director/City Engineer
City of San Rafael Public Works Department
P. O. Box 151560
San Rafael, California 94915-1560

SUBJECT: Permit Violation Status Update and Response to Your December 21, 2016 Letter Entitled, "Re: Notice of Violations of BCDC Permit 1978.028.03 Response to November 21, 2016 Letter" (BCDC Enforcement File No. ER2015.024)

Dear Mr. McGowan:

Thank you for your letter which was received on December 27, 2016, describing the actions that City staff has taken and plans to take to resolve the five (5) required public access permit violations at Jean & John Starkweather Shoreline Park, as described in my November 21, 2016 enforcement letter. In your letter, you requested additional time to address all of the violations, citing such limiting factors as inclement weather and additional time needed to thoroughly assess and repair the public restroom facilities. In light of the efforts and progress that City staff has made to resolve and to start work on resolving all of the violations within thirty-five (35) days of my enforcement letter, we are prepared to consider all outstanding violations to be *provisionally resolved* as of December 26, 2016, which is the thirty-fifth day after the date of my letter, and allow City staff the additional time that you have requested to completely resolve all of the violations.¹ The unusual circumstances pertaining to this case that have prompted this staff determination are that you have outlined and/or received BCDC staff approval for your plans, have taken significant steps to address the violations to the extent possible within 35 days of the date of the enforcement letter given process and weather constraints, and have specified a due date for completely resolving each violation.

¹ To be clear, when a violation is provisionally resolved, it means that for the purpose of assessing standard administrative penalties, fines will not accrue during the intervening time from the date that provisional status is granted by BCDC staff until the date that BCDC staff determines that a violation is completely resolved. However, provisional status may be revoked at BCDC staff's discretion for any failure to act in earnestness to take all necessary corrective actions to resolve a violation as soon as it is feasible to do so, given justifiable limitations such as wet weather conditions, or by a deadline specified by BCDC staff; whichever occurs sooner. Bear in mind that a failure to diligently pursue the complete resolution of a violation as a result of negligence or other preventable human causes would be grounds for revocation of the provisionally resolved status of any outstanding violations.

Kevin McGowan
City of San Rafael Public Works Department
January 19, 2017
Page 2

To wit, as long as City staff continues to work diligently to completely resolve all four outstanding violations as soon as possible, but no later than the deadlines specified below, and continues to keep me and/or other appropriate BCDC staff apprised of all progress throughout the resolution process,² the violations will remain provisionally resolved, meaning standardized civil penalties will not accrue. However, until every violation is completely resolved, we reserve the right to revoke the provisional status of the violations for City staff's failure to meet any of the conditions stated in this letter, or in other communications from BCDC staff, including, but not limited to, failing to meet deadlines for completion of work without receiving prior BCDC staff approval to extend them, failure to seek and obtain BCDC staff's review and approval of work plans to conduct new or unpermitted work in any public access area or within the Commission's jurisdiction, or failure to respond to BCDC staff's requests for information or updates on your progress. Should the provisionally resolved status of any outstanding violation(s) be revoked, the penalty clock will be initiated as of December 27, 2016 (the thirty-sixth day after the date of my enforcement letter), and the City of San Rafael will be subject to standardized civil penalties pursuant to BCDC Regulations Section 11386(e)(3) that would have accrued from that date forward, up to \$30,000 per violation. (Though, pursuant to BCDC Regulations Section 11386(i), any such penalties would be subject to appeal after the violations have been completely resolved.)

With regard to each of the points you raised in your December 21st letter, my responses are as follows:

1. **Violation No. One. Failure to improve the 24-foot-wide, all-weather, surfaced public access roadway to provide access for pedestrians and bicycles, in addition to automobiles, from Francisco Boulevard to the shoreline public access area adjacent to the restroom, beach and public parking spaces (Special Condition II.B.3.a).** With regard to pedestrians' safety along the roadway, although we understand the practical limitations with which you must contend, we nevertheless believe that the lack of a formal pedestrian path along the roadway poses a danger to pedestrians; and we anticipate that the risk will intensify once a sidewalk leading to the Richmond-San Rafael Bridge is installed along Francisco Boulevard in the near future (currently projected to be completed in Fall 2018). Our hope is that once the construction of the sidewalk is imminent, the City will proactively revisit the possibility of providing a pedestrian-friendly path at the southeastern end of the property from Francisco Boulevard down

² City staff must continue to contact me by phone or e-mail to report on progress that has been made to resolve the violations, and continue to submit timely, dated photographic evidence to me of completed work.

Kevin McGowan
City of San Rafael Public Works Department
January 19, 2017
Page 3

the embankment to the park and beach, as was the original intent of Special Condition II.3.f of the permit (through Permit Amendment No. 3), which we have agreed to vacate in light of past BCDC staff's actions.³

For the purposes of this enforcement case, however, the proposed sharrows and "Share the Road" signs set on posts will be sufficient to meet the intent of the special condition. You must include pedestrian *and* bicycle icons with the sharrow stencils, as well as in the posted signs, to clearly illustrate to pedestrians, cyclists and particularly to motorists that the roadway is intended to be used by pedestrians in addition to cyclists. Please send me a sign and sharrow design and placement plan for review and approval as soon as possible, but certainly prior to initiating the work. The posted signs should be installed immediately (after sign review and approval by BCDC staff). However, to avoid problems due to wet seasonal weather, you may have until April 30, 2017 to paint the sharrows on the roadway. Please do so sooner, however, should weather permit.

2. **Violation No. Two. Failure to maintain the eighteen (18) permanent parking spaces (Special Condition II.B.3.d).** In your letter, you requested our consent for you to delay the restriping of the parking spaces for up to four months to ensure that the project is not interrupted or adversely affected by wet seasonal weather. Since, according to your letter, the public parking signs were installed as of December 23, 2016 and the striping plan was approved within 35 days of the date of the enforcement letter (December 14th), we will consider this violation to be provisionally resolved until either the striping has been painted, as weather permits, or until April 30, 2017, whichever occurs sooner.

³ In a letter dated November 27, 1984 from BCDC Enforcement Analyst Joan Lundstrom to the site developer Joe Shekou, Ms. Lundstrom declared that Special Condition II.B.3.f, requiring, "a 5-foot-wide stairway and crosswalk connecting Francisco Boulevard to the eastern end of the shoreline public access path," could, in her words, "be deleted." Although, neither Mr. Shekou nor the City of San Rafael, as his successor in interest to the required public access area, ever sought a permit amendment to eliminate this requirement, BCDC staff has determined that we should honor Ms. Lundstrom's declaration and not press the City to construct the stairway (although, we do expect the city to seek and obtain a permit amendment to eliminate the requirement). Therefore, any future initiative to provide pedestrian access from Francisco Boulevard to the park, as originally envisaged by the permit, will be entirely voluntary; and might occur outside of BCDC's jurisdiction, unless any portion of the work will occur within the Commission's 100-foot shoreline band jurisdiction, and/or will in any way impact the required public access area or public access improvements required by the permit (e.g., the public parking spaces).

Kevin McGowan
City of San Rafael Public Works Department
January 19, 2017
Page 4

- 3. Violation No. Three. Failure to maintain the required public restroom at the site (Special Condition II.B.4).** A portable restroom and hand washing station were installed immediately to the north of the permanent restroom on December 22, 2016. Therefore, as long as these facilities are well-maintained and remain available for the public's use, we will consider this violation to be provisionally closed until the permanent restroom is either re-opened or replaced, or until June 30, 2017 (the last month of Spring 2017), whichever occurs sooner. We expect that this time extension should give you ample time to either repair or replace the permanent restroom.

Should you determine that it is infeasible to repair or replace the restroom at its present location, BCDC staff is willing to work with you to consider another site serving the park that may be a suitable alternative. If you choose to pursue this option, it would be accomplished through a non-material amendment to your permit. However, as we have discussed with you previously, BCDC's Executive Director would not issue a non-material permit amendment on behalf of the Commission that entirely removes the requirement for a restroom in the general vicinity. Any such permit amendment application to relocate the restroom should be submitted no later than three months prior to the June 30th deadline to completely resolve Violation No. Three.

- 4. Violation No. Four. Failure to maintain the required public access signs (Special Conditions II.B.3.g and II.B.4, treated as a single violation for the purposes of this case).** The custom-made BCDC public access signs ordered by the City staff were installed on December 23, 2016, while the new Starkweather Park sign and the four 18-inch x 18-inch BCDC Public Shore signs that I had committed to provide you were installed by December 28, 2016. Since the sign installation began prior to the 35th day after the date of my enforcement letter, and was completed very shortly thereafter with a long Holiday weekend in between, we are willing to consider this violation to have been provisionally resolved as of December 23rd, and completely resolved as of December 28th. Therefore, no standardized civil penalty is assessed for this violation. Well done!

- 5. Violation No. Five. Failure to maintain the approximately 75,000-square-foot public access area (Special Condition II.B.4).** City staff has been working closely with BCDC's Bay Design Analyst Andrea Gaffney and me for weeks to plan for and undertake the effort to fix all of the landscaping maintenance issues in the public access areas.⁴ As long as the project continues to be diligently pursued to completion, or until April 30, 2017, whichever occurs first, we are willing to consider this violation to be provisionally resolved.

⁴ BCDC staff approved the planting and irrigation plan on January 4, 2017.

Kevin McGowan
City of San Rafael Public Works Department
January 19, 2017
Page 5

However, I do have an additional request. The permit requires maintenance of the seating opportunities in the park, and site furnishings were addresses in my enforcement letter; however, until now our conversations have centered on the landscaping. As you conduct your maintenance activities in the coming months, please be sure to address any maintenance issues with the park benches as well, such as repainting and repairing them as needed. You may replace any of the existing benches, as needed, on a one-for-one basis in the same location without prior approval by BCDC staff, but BCDC staff approval will be needed prior to adding, relocating, or removing any benches.

Once again, I thank you and your staff for your prompt attention in this matter. I am always available to answer any questions or to discuss any concerns you may have going forward. Feel free to contact me any time.

Best Regards,



MATTHEW TRUJILLO

Coastal Program Analyst II

(415) 352-3633

mtrujillo@bcdc.ca.gov

cc: Bill Guerin, City of San Rafael Public Works Department,
Stephanie Gindlesperger, City of San Rafael Public Works Department,
Eric Davis, City Attorney's Office

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

July 28, 2017

Bill Guerin
Director of Public Works, City of San Rafael
1400 Fifth Avenue
San Rafael, California 94901

SUBJECT: Request to Extend the Deadline from June 30, 2017 to July 31, 2017 to Resolve Violation No. Three of BCDC Enforcement File No. ER2015.024

Dear Mr. Guerin:

On January 19, 2017, I sent a letter to Kevin McGowan, Assistant Public Works Director/City Engineer, copied to you and City Attorney Eric Davis, stating that BCDC staff would consider as provisionally resolved Violation No. Three of BCDC Enforcement File No. ER2015.024: "Failure to maintain the required public restroom at the site," as long as the City continued to work diligently to completely resolve the violation by either reopening the permanent restroom or seeking and obtaining a permit amendment to replace the restroom no later than June 30, 2017. The City also committed to maintain a temporary toilet and hand-washing station at the site while the permanent restroom remained unavailable.

The January 19th letter states that the deadline could have been extended with BCDC staff approval *prior* to the deadline; however, on June 30, 2017, we received a request to extend the deadline to resolve this violation through July 31, 2017 to give City staff time to decide whether it would pursue a permit amendment application to remove the restroom requirement from the permit. On July 28, 2017, BCDC staff received a written request from Jim Schultz, City Manager, seeking a permit amendment to remove the permanent restroom required by Special Condition II.B.3.e. Be advised that BCDC staff has always maintained that the Executive Director would not issue a non-material permit amendment to remove the restroom requirement from the permit, as stated in the January 19th letter.

Since insufficient progress has been made by the City on reopening or replacing the restroom, and the city does not intend to honor the permit requirement by providing a permanent public restroom at the site, the City has failed to meet the conditions required to maintain the provisionally resolved status of this violation. As such, the city is now subject to standardized administrative fines assessed as of December 26, 2016 (as stated in the January 19th letter). The fine accumulates as follows: \$3,000 up to the 95th day after the date of the initial violation notice dated November 21, 2016 (i.e., February 24, 2017), plus \$100 per day for each day the violation persists, up to a maximum of \$30,000. As of the date of this letter, the fine is \$18,400

Bill Guerin
July 28, 2017
Page 2

You are hereby directed to maintain the temporary toilet and hand-washing station at the site, and to immediately repair and reopen the permanent restroom.¹ If you fail to obtain the Commission's approval to remove the restroom, we may commence a formal enforcement proceeding pursuant to BCDC Regulation (14 CCR) Section 11321, which would result in the issuance of a Violation Report and Complaint for Imposition of Administrative Civil Penalties and a public hearing before the Commission's Enforcement Committee.

While we do not anticipate needing to, the Executive Director would consider issuing a cease and desist order if the City stops maintaining or removes the temporary toilet and hand-washing station while this matter remains unresolved.

Best Regards,


MATTHEW TRUJILLO
Coastal Program Analyst II
(415) 352-3633
mtrujillo@bcdc.ca.gov

MT/go

cc: Jim Schultz, City Manager
Paul Jensen, Community Development Manager
Lisa Goldfien, Assistant City Attorney

¹ Bear in mind that any non-routine repairs or renovations to the restroom building or any other area within BCDC's jurisdiction will require prior review and approval by BCDC staff.

Exhibit 14.5

Subject: Phone Call Follow-Up & My Contact Information
Date: Wednesday, January 17, 2018 at 2:36:14 PM Pacific Standard Time
From: Trujillo, Matthew@BCDC
To: thomas.wong@cityofsanrafael.org
BCC: Klein, Adrienne@BCDC, McCrea, Brad@BCDC, Zeppetello, Marc@BCDC, Lavine, Ethan@BCDC

Hi Thomas,

Thanks for speaking with me on the phone this afternoon. I understand from our conversation that the City has not made its final decision as to whether it will repair and open the existing restroom at Starkweather Park or seek BCDC's approval to move it to another location, but you will let me know in the next few days by when you expect that decision to be made. Please be aware that our expectation is for the City to provide a functioning permanent public restroom within a few months.

During our conversation, you asked me to confirm whether the Commission would be satisfied if the City chooses to keep the restroom in place, to which I responded in the affirmative. You also asked if we would consider approving the conversion of the restroom into a vault toilet, to which I replied that we would be open to having a discussion around whatever plan the City presents. However, please keep in mind that any work in addition to the in-kind maintenance activities that would likely have to occur to restore the existing restrooms may require a permit amendment if that work involved removing the existing structure or other construction activities (including digging a vault) in the Commission's jurisdiction or within the required public access area at the site (e.g., using the public parking area or the open parkland as a staging area for construction materials and equipment).

Please feel free to contact me at the phone number or e-mail address below with any further questions or concerns.

Best Regards,

Matthew Trujillo
Coastal Program Analyst II
mtrujillo@bcdca.gov
(415) 352-3633

Exhibit 14.5

PermitLogBCDC_v2 (bcdmsdb0001)

File Edit View Insert Format Records Scripts Window Help

Records 1 / 1744 Found (Unsorted) Show All New Record Delete Record Find Sort Share

Layout: DataEntry-User View As: [Grid] [Table] [Form] [Preview] AR Edit Layout

Record ID: 640 User: andrew Timestamp: 7/8/2018 8:02
Record Modified: erik 7/31/2018 3:31

Screen Layouts: Form - Permit Type, Form - County, Form - Payments, Form - Employee, Form - All Permits Listing, Form - GIS Features, Form - GIS Details, Form - Application Chart, Form - Annual Report

Buttons: Reports Menu, Create New Record, Find, Display Permits with Important Dates, Report - All Unissued Permits, Report - Active Permits by Analyst

Data Entry - User

PermitType: Non-Material Authority: McAteer-Petris Act TimeExtension: Yes
 Permit Number-Current: 1978.028.04 Supervisor Name: Erik Buehmann AfterTheFact: Yes
 Permit Number-Original (when reclassified): [] Analyst: Tinya Hoang
 Permit Status (Automated): Withdrawn Total Project Cost: \$1,500,000.00

Project Name: []
 Applicant: City of San Rafael
 Payment: [Table with columns: PayorName, Check Number, Check Date, Date Received, Amount]

Permit Dates

Application Received Date	7/22/2015	Hearing Date	[]
Filing Date	[]	Admin Listing Date	[]
Issued Date	[]	Reclassification Date	[]
Executed Original Received Date	[]	Withdrawal Date	7/28/2017
Recorders Copy Date	[]	Denied Date	[]
Open Space Instrument	[]	Return Unfiled Date	[]
Public Access Instrument	[]		
Certification Contractor of Review	[]		
Notice of Completion Due Date	[]		
Notice of Completion Received Date	[]		

Permit Type: Non-Material Status: Withdrawn

Auto Entered

Current Date: 1/29/2024
 Day 30 from Application: 8/21/2015
 Days to process based on Permit type: 90
 Date Due based on Permit Type: []
 Days to Process before due: N/A
 Executed Original Due Date: []

Date to GIS for Bayrat Entry

[]

Applicant's Address | Payor Information | Location & Description | Contacts | Contacts 2 | Fill & Public Access | Permit Features | Notes

Permit Notes: Withdrawn and resubmitted, 7/28/2017. New entry in the 2017 log.

IssuedNotes: []

Windows Taskbar: Type here to search, 64°F Mostly cloudy, 4:15 PM 1/29/2024

**REQUEST FOR PROPOSAL (RFP)
FOR
ENGINEERING DESIGN SERVICES FOR THE
JEAN & JOHN STARKWEATHER SHORELINE PARK BATHROOM UPGRADE**

April 16, 2018

Introduction

The City of San Rafael (City) hereby requests proposals from qualified consultants for the design of a rehabilitation of an existing bathroom located at the Jean and John Starkweather Shoreline Park. The final product sought is construction contract documents including cost-effective design options, plans, specifications, and cost estimates ready for bid.

Proposals shall be submitted by firms that have a capable and demonstrable background in the type of work described in the section entitled “Scope of Work” of this notice. In addition, all interested firms shall have sufficient, readily available resources, in the form of trained personnel, support services, specialized consultants and financial resources, to carry out the work without delay or shortcomings.

Background

Constructed in 1985, the Jean and John Starkweather Shoreline Park is located north of Francisco Boulevard East and approximately 0.25 miles northwest of the western touchdown at the Richmond-San Rafael Bridge (Interstate 580), in the City of San Rafael. The bathroom, located against the public parking lot at the terminus of the Shoreline Pathway has been closed and unused since the late 1980’s. The original bathroom was permitted by The San Francisco Bay Conservation and Development Commission (BCDC) which originally required the bathroom as part of the construction of the adjacent private office complex. The original bathroom which has not been modified since its construction consists of both a male and female single occupancy bathroom. The original design utilized an ejector pump system to convey sewage from the bathroom to the closest sewer main on Francisco Blvd East, roughly 20 feet higher in elevation. Recently, BCDC has notified the City that the bathroom needs to be reopened to the public. The City has notified BCDC that they will be rehabilitating or rebuilding the existing restroom facility and reopening for public use by this summer. The rehabilitated or rebuilt restroom will be a single occupancy, unisex, and ADA compliant.

Anticipated Schedule

Proposals due to Public Works	5:00PM PST, Tuesday, May 1, 2018
Consultant Selection	Thursday, May 3, 2018
Consultant Recommendation Presented to City Council	7:00PM PST, Monday May, 21, 2018

Scope of Work

The City is seeking consulting services for the following tasks:

Task 1: Project Management and Coordination

1. The consultant shall be responsible for providing all contract management and quality control services throughout the duration of the project. The consultant shall deliver a high quality product within budget and on schedule.

2. The consultant shall meet periodically with the City to discuss the project, present design options, review alternatives, etc. For cost estimation, a total of three meetings may be assumed.
3. The consultant shall provide monthly schedule updates (Microsoft Project or similar format) in conjunction with submittals of invoices.

Deliverables:

- Project schedule and updates
- Meeting agendas and minutes for all design and coordination meetings

Task 2: Identifying Solutions

1. The consultant shall provide a preliminary report which identifies cost-effective design options to rehabilitate the existing restroom facility, including but not limited to exploring renovation versus demolition/new construction, as well as different types of waste systems.
2. All solutions shall conform to ADA standards and estimate construction cost as well as long term operations and maintenance.

Deliverables:

- Preliminary report identifying cost-effective design options with estimated construction costs and O&M costs.

Task 3: Design

1. The consultant shall coordinate with the City to obtain existing restroom structure plans, as-built, schematics, etc. The existing utility information shall be shown on the final design plans.
2. The consultant shall conduct a preliminary assessment to analyze project area for potential issues such as right-of-way constraints, environmental issues, accessibility issues, and drainage. Become familiar with previous conceptual drawings and history of the project.
3. Using the preferred design alternative approved by the City during the Identifying Solutions phase of this project, the consultant shall prepare 35% and 95% plan sheets and cost estimates for review.
4. The consultant shall assist the City in the preparation of special provisions of the project specifications by answering questions that City staff may have and performing a review of the special provisions and providing comments.
5. The consultant shall prepare final bid documents incorporating all comments from previous reviews. Final plans shall be plotted electronically to PDF in 22"x34" size, and shall be signed by the engineer in responsible charge licensed in the State of California, and ready for reproduction.
6. The plans shall be drawn using AutoCAD 2014, or a more recent version.

7. The consultant shall coordinate with pertinent regulatory agencies, stakeholders, material and equipment suppliers, etc.
8. The schedule of items shall address all items of work as specifically as possible and shall indicate as precisely as possible the quantities.
9. The consultant shall prepare a detailed cost estimate in the format of the schedule of bid items.

Deliverables:

- 35% and 95% PS&E submittals in electronic (PDF, AutoCAD, Word and Excel) format
- A letter summarizing the consultant's comments on the special provisions portion of the specifications
- Final bid documents, schedule of items, and engineer's estimates in electronic format

Task 4: Permitting

1. The consultant shall be responsible for preparing, submitting and obtaining all required regulatory permits (if necessary) and environmental documentation required by State, local, and jurisdictional agencies needed to ensure this project is cleared for construction.

Deliverables:

- Preliminary and final permit applications for submittal by the City

Task 5: Construction Support Services

1. The consultant shall attend regularly scheduled construction meetings, including the pre-construction meeting, to respond to questions concerning the plans, specifications and estimates. For cost estimation, a total of 3 meetings may be assumed. These meetings will be independent of those discussed under separate tasks identified elsewhere in this RFP.
2. The consultant shall be available to be called to the site in response to questions arising from the progress of the work.
3. The consultant shall respond to Request for Information (RFIs) from the contractor when called for by the City and prepare modifications or revisions that are related to the project's original scope and character. For cost estimation, a review of up to 5 RFIs may be assumed.

The City shall not be billed for nor shall they pay for any revisions to the plans and specifications that are required due to errors or omissions in the original contract documents due to negligence or lack of attention to detail stemming from poor design or inadequate field work which might otherwise have assisted in design.

4. The consultant shall assist the City in preparation of contract change orders, if necessary.
5. The consultant shall participate in the final walk through of the constructed project and assist in the preparation of "punch list" items in need of work.

6. The consultant shall prepare record drawings following construction from mark ups by the contractor and the resident engineer. Submittal of record drawings shall be on 22"x34" PDFs and provided in AutoCAD format.

Deliverables:

- Attend up to 3 meetings during construction, which includes the pre-con meeting with contractor
- Response to RFIs, material submittals, and shop drawings from the contractor
- Plan revisions that are related to the project original scope and character
- Review contract change orders
- Meeting agendas and minutes
- Record drawings following construction

City Responsibility

The City shall provide the following:

1. Shoreline Park Pathway Restroom Upgrades Access Compliance Survey Report attached to this RFP.
2. Documents related to California Environmental Quality Act and a submittal of a Categorical Exemption.
3. Any City-owned plans, utility underground maps, and any existing information in the possession of the City necessary to complete the design.
4. Answering non-technical questions during advertisement period of this RFP. Clarification offered by the City to one consultant shall be distributed to all known participants at the City's discretion.
5. Reviewing all consultants' deliverables and providing comments in a timely manner.

Payment and Cost Estimate

The method of payment to the successful proposer shall be on a time and materials basis with a maximum "not to exceed" fee, as set by the proposer in his/her Proposal, as being the maximum cost to perform all work. This figure shall include direct costs, including labor, overhead, profit, and expenses, such as, but not limited to, transportation, communications, subsistence, materials, and any subcontracted items of work to obtain environmental clearance, approved regulatory permits, contract documents, and construction support. Progress payments will be based on actual hours, hourly costs and support service costs charged to the project on a monthly basis. The maximum "not to exceed" cost shall be submitted with the Proposal **in a separate, sealed envelope**.

Each invoice submitted to the City for payment shall contain a brief description of the work billed on that invoice, total billed to date, total paid to date, and amount remaining.

Proposal

The Proposal shall be concise, well organized, and demonstrate an understanding of the Scope of Services as outlined in this RFP. Proposals shall be limited to no more than thirty-five (35) one-sided pages (8½"x11", or 11"x17" for fold-out drawings), inclusive of resumes, graphics, pictures,

Exhibit 15A

photographs, dividers, front and back covers, cover letter, etc. Proposal submittals shall consist one (1) PDF emailed to thomas.wong@cityofsanrafael.org.

Proposals shall be evaluated based on the Evaluation Criteria section of this RFP.

At a minimum, Proposals shall include:

1. Proposals must be received via email no later than **5:00 PM, local time, on May 1, 2018**, to Thomas Wong. Address to:

Thomas Wong
thomas.wong@cityofsanrafael.org

2. Proposals shall be emailed in PDF form and clearly marked with the name of the consultant and "Shoreline Park Bathroom Rehabilitation."
3. Cover letter signed by the person authorized to negotiate a contract for proposed services with the City on behalf of the Proposal team. The cover letter must state that the sample Professional Services Agreement is acceptable as-is.
4. Project understanding outlining the consultant's basic understanding of the project and identifying key issues to be addressed during the project and any insights.
5. A detailed project approach and level of effort, in accordance with the section entitled "Scope of Work" of this RFP.
6. A project schedule including at minimum, those tasks outlined in the section entitled "Scope of Work" of this notice.
7. A statement of Qualification (SOQ) that includes:
 - a. The proposer's experience and history in performing this type of work, particularly those projects that have been successfully carried through construction.
 - b. References of persons, firms, or agencies that the City may contact to verify the experience of the proposer; include phone numbers.
 - c. An organization chart setting forth the project manager and the staff.
 - d. Experience for each individual expected to perform responsible portions of the work. Do not submit resumes for individuals who do not have a high probability of actually leading or working on the project.
 - e. Experience for each sub-consultant.

The consultant shall be aware of the following:

- Proposals and/or modifications to Proposals received after the hour and date specified in this RFP will be rejected and returned unopened to the proposer.
- All Proposals shall be submitted according to the specifications set forth in the RFP. Failure to adhere to these specifications may be cause for rejection.

- Once submitted, Proposals, including the composition of the consulting staff, shall not be changed without prior written consent.
- All requests for clarification for this RFP must be made in writing at least 96 hours prior to the due date as set forth in this RFP. Consultants shall contact Thomas Wong at thomas.wong@cityofsanrafael.org.

The City will only respond to written questions from consultants. The City cannot respond to verbal questions submitted by telephone or in person. All addenda will be posted on the City's Web site. By submitting a Proposal, the proposer affirms that they are aware of any addenda and have prepared their Proposal accordingly. No allowances will be made for a proposer's failure to inform themselves of addenda content. A link to the addenda may be accessed at <https://www.cityofsanrafael.org/projects-out-to-bid/>.

The City reserves the right to revise the RFP prior to the indicated due date. The City may consider extending the due date for RFP due to significant revisions to Scope of Services.

Evaluation Criteria

A review and selection committee, made up of City staff, will evaluate the consultants based on the Proposals and, if necessary, an oral interview to determine which consultant is best qualified to perform the work for this project. The committee will then determine a ranking of the consultants at which time negotiations may begin with the most qualified consultant and only their cost Proposal will be opened. The consultant fee will be evaluated to determine if the amount of the fee is considered a reasonable cost for the work outlined in the Proposal. If the top ranked consultant has submitted a reasonable fee, the committee will make a recommendation to the Public Works Director that negotiations be opened to ensure that the top ranked consultant has a full understanding of the expectations of the City, that the scope reflects all tasks anticipated and that the fee reflects completion of the project to the satisfaction of the City. In the event that the City and the top ranked consultant are unable to come to an agreement as to scope and fee, the City reserves the right to close negotiations with the top ranked consultant and open negotiations with the second-ranked consultant. Once an agreement is reached involving the scope and fee, the Public Works Director will make a recommendation to the City Council to award the project to the selected consultant and to authorize the Public Works Director to enter into an agreement with that consultant. If the City Council is in agreement with the recommendation, City staff will proceed with the completion of the agreement and prepare the contract for execution.

Ranking of the Proposals will be based on the following point system (100 points maximum):

1. Inclusion of all required items and completeness of the Proposal (15 points)
2. Understanding of the work to be done (30 points)
3. Previous experience of similar projects completed on time and within budget (20 points)
4. Qualified and experienced personnel in the project team (20 points)
5. Commitment to adhering to the project schedule and budget (15 points)

The City will notify each consultant regarding the outcome of the Proposal selection process.

The City may reject any or all of the Proposals if it deems such action are in the public interest.

Special Conditions

- **Professional Services Agreement**
The consultant selected to provide the scope of services shall use the City of San Rafael's standard Professional Services Agreement. A copy of the template of this agreement is attached to this RFP. Submittal of a Proposal is acceptance of the Professional Services Agreement. Contractually required insurance coverage and endorsement information is shown in the body of the document.
- **Reservations**
This RFP does not commit the City to award a contract, to defray any costs incurred in the preparation of a Proposal pursuant to this RFP, or to procure or contract for work.
- **RFP as a Public Record**
All Proposals submitted in response to this RFP become the property of the City and thus become public records and, as such, may be subject to public review.
- **Right to Cancel**
The City reserves the right to cancel or change, for any or no reason, in part or in its entirety, this RFP, including but not limited to: selection schedule, submittal date, and submittal requirements.
- **Additional Information**
The City reserves the right to request additional information and/or clarification from any or all respondents to this RFP.
- **Public Information**
Consultants who wish to release information regarding the consultant selection process, contract award, or data provided by the City at any Public Hearing, must receive prior written approval from the City before disclosing such information to the public.

Attachments

1. City of San Rafael *Professional Services Agreement* Template (subject to change by the City Attorney's office if necessary)
2. Shoreline Park Pathway Restroom Upgrades Access Compliance Survey Report
3. Location map and bathroom photographs

Thank you for your interest in contracting opportunities with the City of San Rafael.

Sincerely,



Thomas Wong
415.458.5360
thomas.wong@cityofsanrafael.org

**AGREEMENT FOR PROFESSIONAL SERVICES WITH
[NAME]
FOR ENGINEERING SERVICES**

This Agreement is made and entered into this _____ day of _____, 2018, by and between the **CITY OF SAN RAFAEL** (hereinafter "**CITY**"), and **[NAME]**, a California corporation (hereinafter "**CONSULTANT**").

RECITALS

WHEREAS, the **CITY** has determined that professional engineering services are required in connection with the **CITY** project entitled "Jean & John Starkweather Shoreline Park Bathroom Upgrade," in which cost-effective design options to rehabilitate the existing restroom facility and construction plans are necessary; and

WHEREAS, the **CONSULTANT** has agreed to render such services;

AGREEMENT

NOW, THEREFORE, the parties hereby agree as follows:

1. **PROJECT COORDINATION.**

A. **CITY'S Project Manager.** The Director of Public Works is hereby designated the **PROJECT MANAGER** for the **CITY**, and said **PROJECT MANAGER** shall supervise all aspects of the progress and execution of this Agreement.

B. **CONSULTANT'S Project Director.** **CONSULTANT** shall assign a single **PROJECT DIRECTOR** to have overall responsibility for the progress and execution of this Agreement for **CONSULTANT**. **[PROJECT DIRECTOR'S NAME]** is hereby designated as the **PROJECT DIRECTOR** for **CONSULTANT**. Should circumstances or conditions subsequent to the execution of this Agreement require a substitute **PROJECT DIRECTOR**, for any reason, the **CONSULTANT** shall notify the **CITY** within ten (10) business days of the substitution.

2. **DUTIES OF CONSULTANT.**

CONSULTANT shall perform the duties and/or provide the services described in **CONSULTANT'S** Proposal dated **[DATE]**, marked as Exhibit "A," attached hereto, and incorporated herein.

3. **DUTIES OF CITY.**

CITY shall compensate **CONSULTANT** as provided in Paragraph 4, and shall perform the duties as described in Exhibit "A" attached hereto and incorporated herein.

4. **COMPENSATION.**

For the full performance of the services described herein by **CONSULTANT**, **CITY** shall pay **CONSULTANT** on a time and materials basis for services rendered at the hourly rates shown in the "Hourly Rate Schedule" included in Exhibit "A" attached hereto, with a total not-to-exceed amount of **[COST]** for costs and services of **CONSULTANT** provided under this Agreement.

Payment will be made monthly upon receipt by PROJECT MANAGER of itemized invoices submitted by **CONSULTANT**.

5. TERM OF AGREEMENT.

The term of this Agreement shall commence upon the date of execution of this Agreement and end [DATE], unless the parties agree to extend this Agreement for another 90 days, as approved in writing by City Manager.

6. TERMINATION.

A. **Discretionary.** Either party may terminate this Agreement without cause upon thirty (30) days written notice mailed or personally delivered to the other party.

B. **Cause.** Either party may terminate this Agreement for cause upon fifteen (15) days written notice mailed or personally delivered to the other party, and the notified party's failure to cure or correct the cause of the termination, to the reasonable satisfaction of the party giving such notice, within such fifteen (15) day time period.

C. **Effect of Termination.** Upon receipt of notice of termination, neither party shall incur additional obligations under any provision of this Agreement without the prior written consent of the other.

D. **Return of Documents.** Upon termination, any and all **CITY** documents or materials provided to **CONSULTANT** and any and all of **CONSULTANT**'s documents and materials prepared for or relating to the performance of its duties under this Agreement, shall be delivered to **CITY** as soon as possible, but not later than thirty (30) days after termination.

7. OWNERSHIP OF DOCUMENTS.

Upon completion of all work under this Agreement, ownership and title to all reports, documents, plans, specifications, and estimates produced as part of this Agreement will automatically be vested in the **CITY**; and no further agreement will be necessary to transfer ownership to the **CITY**. **CONSULTANT** shall furnish to **CITY** all necessary copies of data needed to complete the review and approval process.

8. INSPECTION AND AUDIT.

Upon reasonable notice, **CONSULTANT** shall make available to **CITY**, or its agent, for inspection and audit, all documents and materials maintained by **CONSULTANT** in connection with its performance of its duties under this Agreement. **CONSULTANT** shall fully cooperate with **CITY** or its agent in any such audit or inspection.

9. ASSIGNABILITY.

The parties agree that they shall not assign or transfer any interest in this Agreement nor the performance of any of their respective obligations hereunder, without the prior written consent of the other party, and any attempt to so assign this Agreement or any rights, duties or obligations arising hereunder shall be void and of no effect.

10. INSURANCE.

A. Scope of Coverage. During the term of this Agreement, **CONSULTANT** shall maintain, at no expense to **CITY**, the following insurance policies:

1. A commercial general liability insurance policy in the minimum amount of one million dollars (\$1,000,000) per occurrence/two million dollars (\$2,000,000) aggregate, for death, bodily injury, personal injury, or property damage.

2. An automobile liability (owned, non-owned, and hired vehicles) insurance policy in the minimum amount of one million dollars (\$1,000,000) dollars per occurrence.

3. If any licensed professional performs any of the services required to be performed under this Agreement, a professional liability insurance policy in the minimum amount of one million dollars (\$1,000,000) per occurrence/two million dollars (\$2,000,000) aggregate, to cover any claims arising out of the **CONSULTANT'S** performance of services under this Agreement. Where **CONSULTANT** is a professional not required to have a professional license, **CITY** reserves the right to require **CONSULTANT** to provide professional liability insurance pursuant to this section.

4. If it employs any person, **CONSULTANT** shall maintain worker's compensation insurance, as required by the State of California, with statutory limits, and employer's liability insurance with limits of no less than one million dollars (\$1,000,000) per accident for bodily injury or disease. **CONSULTANT'S** worker's compensation insurance shall be specifically endorsed to waive any right of subrogation against **CITY**.

B. Other Insurance Requirements. The insurance coverage required of the **CONSULTANT** in subparagraph A of this section above shall also meet the following requirements:

1. Except for professional liability insurance, the insurance policies shall be specifically endorsed to include the **CITY**, its officers, agents, employees, and volunteers, as additionally named insureds under the policies.

2. The additional insured coverage under **CONSULTANT'S** insurance policies shall be primary with respect to any insurance or coverage maintained by **CITY** and shall not call upon **CITY'S** insurance or self-insurance coverage for any contribution. The "primary and noncontributory" coverage in **CONSULTANT'S** policies shall be at least as broad as ISO form CG20 01 04 13.

3. Except for professional liability insurance, the insurance policies shall include, in their text or by endorsement, coverage for contractual liability and personal injury.

4. By execution of this Agreement, **CONTRACTOR** hereby grants to **CITY** a waiver of any right to subrogation which any insurer of **CONTRACTOR** may acquire against **CITY** by virtue of the payment of any loss under such insurance. **CONTRACTOR** agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not **CITY** has received a waiver of subrogation endorsement from the insurer.

5. If the insurance is written on a Claims Made Form, then, following termination of this Agreement, said insurance coverage shall survive for a period of not less than five years.

6. The insurance policies shall provide for a retroactive date of placement coinciding with the effective date of this Agreement.

7. The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and noncontributory basis for the benefit of **CITY** (if agreed to in a written contract or agreement) before **CITY'S** own insurance or self-insurance shall be called upon to protect it as a named insured.

8. It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to **CITY** or any other additional insured party. Furthermore, the requirements for coverage and limits shall be: (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater.

C. Deductibles and SIR's. Any deductibles or self-insured retentions in **CONSULTANT'S** insurance policies must be declared to and approved by the **PROJECT MANAGER** and City Attorney, and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or **CITY** or other additional insured party. At **CITY'S** option, the deductibles or self-insured retentions with respect to **CITY** shall be reduced or eliminated to **CITY'S** satisfaction, or **CONSULTANT** shall procure a bond guaranteeing payment of losses and related investigations, claims administration, attorney's fees and defense expenses.

D. Proof of Insurance. **CONSULTANT** shall provide to the **PROJECT MANAGER** or **CITY'S** City Attorney all of the following: (1) Certificates of Insurance evidencing the insurance coverage required in this Agreement; (2) a copy of the policy declaration page and/or endorsement page listing all policy endorsements for the commercial general liability policy, and (3) excerpts of policy language or specific endorsements evidencing the other insurance requirements set forth in this Agreement. **CITY** reserves the right to obtain a full certified copy of any insurance policy and endorsements from **CONSULTANT**. Failure to exercise this right shall not constitute a waiver of the right to exercise it later. The insurance shall be approved as to form and sufficiency by **PROJECT MANAGER** and the City Attorney.

11. INDEMNIFICATION.

A. Except as otherwise provided in Paragraph B., **CONSULTANT** shall, to the fullest extent permitted by law, indemnify, release, defend with counsel approved by **CITY**, and hold harmless **CITY**, its officers, agents, employees and volunteers (collectively, the "**City Indemnitees**"), from and against any claim, demand, suit, judgment, loss, liability or expense of any kind, including but not limited to attorney's fees, expert fees and all other costs and fees of litigation, (collectively "**CLAIMS**"), arising out of **CONSULTANT'S** performance of its obligations or conduct of its operations under this Agreement. The **CONSULTANT'S** obligations apply regardless of whether or not a liability is caused or contributed to by the active or passive negligence of the **City Indemnitees**. However, to the extent that liability is caused by the active negligence or willful misconduct of the **City Indemnitees**, the **CONSULTANT'S** indemnification obligation shall be reduced in proportion to the **City Indemnitees'** share of liability for the active negligence or willful misconduct. In addition, the acceptance or approval of the **CONSULTANT'S** work or work product by the **CITY** or any of its directors, officers or employees shall not relieve or reduce the **CONSULTANT'S** indemnification obligations. In the event the **City Indemnitees** are made a party to any action, lawsuit, or other adversarial proceeding arising from **CONSULTANT'S** performance of or operations under this Agreement, **CONSULTANT** shall provide a defense to the **City Indemnitees** or at **CITY'S** option reimburse the **City Indemnitees** their costs of defense, including reasonable attorneys' fees, incurred in defense of such claims.

B. Where the services to be provided by **CONSULTANT** under this Agreement are design professional services to be performed by a design professional as that term is defined under Civil Code Section 2782.8, **CONSULTANT** shall, to the fullest extent permitted by law, indemnify, release, defend and hold harmless the **City Indemnitees** from and against any **CLAIMS** that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of **CONSULTANT** in the performance of its duties and obligations under this Agreement or its failure to comply with any of its obligations contained in this Agreement, except such **CLAIM** which is caused by the sole negligence or willful misconduct of

CITY. In no event shall the cost to defend charged to the design professional exceed the design professional's proportionate percentage of fault.

C. The defense and indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement, and shall survive the termination or completion of this Agreement for the full period of time allowed by law.

12. NONDISCRIMINATION.

CONSULTANT shall not discriminate, in any way, against any person on the basis of age, sex, race, color, religion, ancestry, national origin or disability in connection with or related to the performance of its duties and obligations under this Agreement.

13. COMPLIANCE WITH ALL LAWS.

CONSULTANT shall observe and comply with all applicable federal, state and local laws, ordinances, codes and regulations, in the performance of its duties and obligations under this Agreement. **CONSULTANT** shall perform all services under this Agreement in accordance with these laws, ordinances, codes and regulations. **CONSULTANT** shall release, defend, indemnify and hold harmless **CITY**, its officers, agents and employees from any and all damages, liabilities, penalties, fines and all other consequences from any noncompliance or violation of any laws, ordinances, codes or regulations.

14. NO THIRD PARTY BENEFICIARIES.

CITY and **CONSULTANT** do not intend, by any provision of this Agreement, to create in any third party, any benefit or right owed by one party, under the terms and conditions of this Agreement, to the other party.

15. NOTICES.

All notices and other communications required or permitted to be given under this Agreement, including any notice of change of address, shall be in writing and given by personal delivery, or deposited with the United States Postal Service, postage prepaid, addressed to the parties intended to be notified. Notice shall be deemed given as of the date of personal delivery, or if mailed, upon the date of deposit with the United States Postal Service. Notice shall be given as follows:

TO **CITY**'s Project Manager:

Bill Guerin
Director of Public Works
City of San Rafael
111 Morphew Street
San Rafael, CA 94901

TO **CONSULTANT**'s Project Director:

16. INDEPENDENT CONTRACTOR.

For the purposes, and for the duration, of this Agreement, **CONSULTANT**, its officers, agents and employees shall act in the capacity of an Independent Contractor, and not as employees of the **CITY**. **CONSULTANT** and **CITY** expressly intend and agree that the status of **CONSULTANT**, its officers, agents and employees be that of an Independent Contractor and not that of an employee of **CITY**.

17. ENTIRE AGREEMENT -- AMENDMENTS.

A. The terms and conditions of this Agreement, all exhibits attached, and all documents expressly incorporated by reference, represent the entire Agreement of the parties with respect to the subject matter of this Agreement.

B. This written Agreement shall supersede any and all prior agreements, oral or written, regarding the subject matter between the **CONSULTANT** and the **CITY**.

C. No other agreement, promise or statement, written or oral, relating to the subject matter of this Agreement, shall be valid or binding, except by way of a written amendment to this Agreement.

D. The terms and conditions of this Agreement shall not be altered or modified except by a written amendment to this Agreement signed by the **CONSULTANT** and the **CITY**.

E. If any conflicts arise between the terms and conditions of this Agreement, and the terms and conditions of the attached exhibits or the documents expressly incorporated by reference, the terms and conditions of this Agreement shall control.

18. SET-OFF AGAINST DEBTS.

CONSULTANT agrees that **CITY** may deduct from any payment due to **CONSULTANT** under this Agreement, any monies which **CONSULTANT** owes **CITY** under any ordinance, agreement, contract or resolution for any unpaid taxes, fees, licenses, assessments, unpaid checks or other amounts.

19. WAIVERS.

The waiver by either party of any breach or violation of any term, covenant or condition of this Agreement, or of any ordinance, law or regulation, shall not be deemed to be a waiver of any other term, covenant, condition, ordinance, law or regulation, or of any subsequent breach or violation of the same or other term, covenant, condition, ordinance, law or regulation. The subsequent acceptance by either party of any fee, performance, or other consideration which may become due or owing under this Agreement, shall not be deemed to be a waiver of any preceding breach or violation by the other party of any term, condition, covenant of this Agreement or any applicable law, ordinance or regulation.

20. COSTS AND ATTORNEY'S FEES.

The prevailing party in any action brought to enforce the terms and conditions of this Agreement, or arising out of the performance of this Agreement, may recover its reasonable costs (including claims administration) and attorney's fees expended in connection with such action.

21. CITY BUSINESS LICENSE / OTHER TAXES.

CONSULTANT shall obtain and maintain during the duration of this Agreement, a **CITY** business license as required by the San Rafael Municipal Code **CONSULTANT** shall pay any and all state and federal taxes and any other applicable taxes. **CITY** shall not be required to pay for any work performed

Exhibit 15A

under this Agreement, until **CONSULTANT** has provided **CITY** with a completed Internal Revenue Service Form W-9 (Request for Taxpayer Identification Number and Certification).

22. APPLICABLE LAW.

The laws of the State of California shall govern this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day, month and year first above written.

CITY OF SAN RAFAEL

CONSULTANT

JIM SCHUTZ, City Manager

By: _____

Name: _____

Title: _____

ATTEST:

and

LINDSAY LARA, City Clerk

By: _____

Name: _____

Title: _____

APPROVED AS TO FORM:

ROBERT F. EPSTEIN, City Attorney



City of San Rafael

Shoreline Park Pathway Restroom Upgrades

Access Compliance Survey Report

March 2017



Table of Contents

- I. Cover & Table of Contents**
 - i. Report Navigation and Abbreviations
 - ii. Cost Summary

- II. Survey Data: Facilities**
 - i. Survey Data for Buildings:**
 - Facility 1 – Shoreline Park Pathway Restroom Upgrades



NAVIGATION & LEGEND

Report Format

1	2	3	4	5	6	7	8	9	10	11
City of San Rafael		Access Compliance Survey Report						1-0-1		
Facility: *****		Area: Exterior				Part/Floor: On-site				
Address: *****										
Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total				
2	POT from Accessible Parking Space to Entrance									
11585	<u>Sidewalk</u>									
	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Cross slope more than 1/4"=12" (2%). • <i>As-built:</i> 3.5% • <i>Proposed Solution:</i> Modify cross slope. 	PCODE EA05 ADAAG 4.6.3 ADA 2010 502.4 CBC 2013 11B-502.4	50	JOB	\$45	\$2250				
	Notes: Maintain area.									

1. **Item Number:** Number corresponding to the number on the Barrier Location Map which identifies the general location of identified barriers.
2. **Item Name:** Describes the barrier location / item title (e.g.: parking lot, room name).
3. **As-Built Description:** Description of identified barrier based on applicable accessibility codes.
4. **As-Built:** Existing conditions/dimensions.
5. **Proposed Solution:** Description of steps necessary to remove barrier and, if applicable, an interim solution or notes.
6. **Codes / Info:**
 - *PCODE:* specifies the relevant SSA database code. Database code plus suffix:
 - REF: data shown for reference only [scope of work related to or covered by other item];
 - NT: non-typical problem or solution.
 - *ADAAG, ADA 2010, PRow,* and *CBC 2013:* specifies applicable sections of Federal and State accessibility codes.
7. **Qty:** Number of units required.
8. **Unit:** Unit of measurement used to compute cost estimate. LF=linear feet; SF=square feet; JOB=lump sum.
9. **Cost:** Estimated cost of specific solution per one unit.
(The final cost of the barrier-removal projects may exceed this estimate based on year of mitigation and design approach.)
10. **Total:** Total estimated cost for removing identified barrier (multiplied Qty by Cost).
11. **ID No:** Specifies Facility Number, Area Number: 1= Interior / 0 = Exterior, and Part / Floor Number.



Report Format

ABBREVIATIONS

ABA	Architectural Barriers Act	Lav	Lavatory
ADA	Americans with Disabilities Act	lbs	Pounds
ADAAG	ADA Accessibility Guidelines	LF	Linear foot
ADACO	ADA-Coordinator	Lib	Library
AFF	Above finished floor	MOD	Modernization project
BCS	Baby Changing Station	MoM	Method of mitigation
CA	State of California	MP	Master priority
CBC	California Building Code	MRR	Men's restroom
CSAS	CA State Accessibility Standards	N.A.R.	No action required
ANSI	American National Standards Institute	NT	Non-typical
C.T.P.	Contact third party	o.c.	On center
cl	Center line	O/R	Official responsible
CMGR	City Manager	P.A.	Physical alteration
D.A.	Designated accessible	P.M.	Program modification
DCS	Diaper changing station	POM	Plant Operations & Maintenance
DF	Drinking fountain	POT	Path of travel
Dir.	Director	PROW	Public Right-of-Way
E.F.	Equivalent facilitation	PTD	Paper towel dispenser
EHD	Electric Hand Drier	PW	Public Works
FC	Fire Chief	Qty	Quantity
FD	Finance Director	REF	Reference
FDC	Facilities Design & Construction	RGB	Rear grab bar
FTD	Feminine Tissue Dispenser	SCD	Seat cover dispenser
FHAAG	Fair Housing Act Accessibility Guidelines	SD	Soap dispenser
Fig.	Figure	sec.	Second
FM&O	Facilities, Maintenance & Operations	SF	Square foot
FND	Feminine napkin disposal	SGB	Side grab bar
FTD	Feminine tissue dispenser	tbd	To be determined
Gov.	Government	TPD	Toilet paper dispenser
HQ	Headquarters	UFAS	Uniform Federal Accessibility Standards
HWB	Hazardous waste bin	WC	Water closet
IBC	International Building Code	WRR	Women's restroom
ICC	International Code Council	WT	Water treatment facility
ISA	International Symbol of Accessibility	WWT	Waste water treatment facility
JOB	per one job (lump sum)		

Facility: 1 Shoreline Park Pathway Restroom Upgrades		\$66,928.50
1-0-1 Exterior	On-site	\$6,068.50
1-1-1 Interior	Ground Floor	\$60,860.00
<i>Grand Total for City of San Rafael</i>		\$66,928.50



BARRIER LOCATION PLANS



City of San Rafael

Location:
2171 E Francisco Blvd, San Rafael, CA

Facility:
Shoreline Park Pathway Restroom

BARRIER LOCATION MAP



REF NORTH
N.T.S.

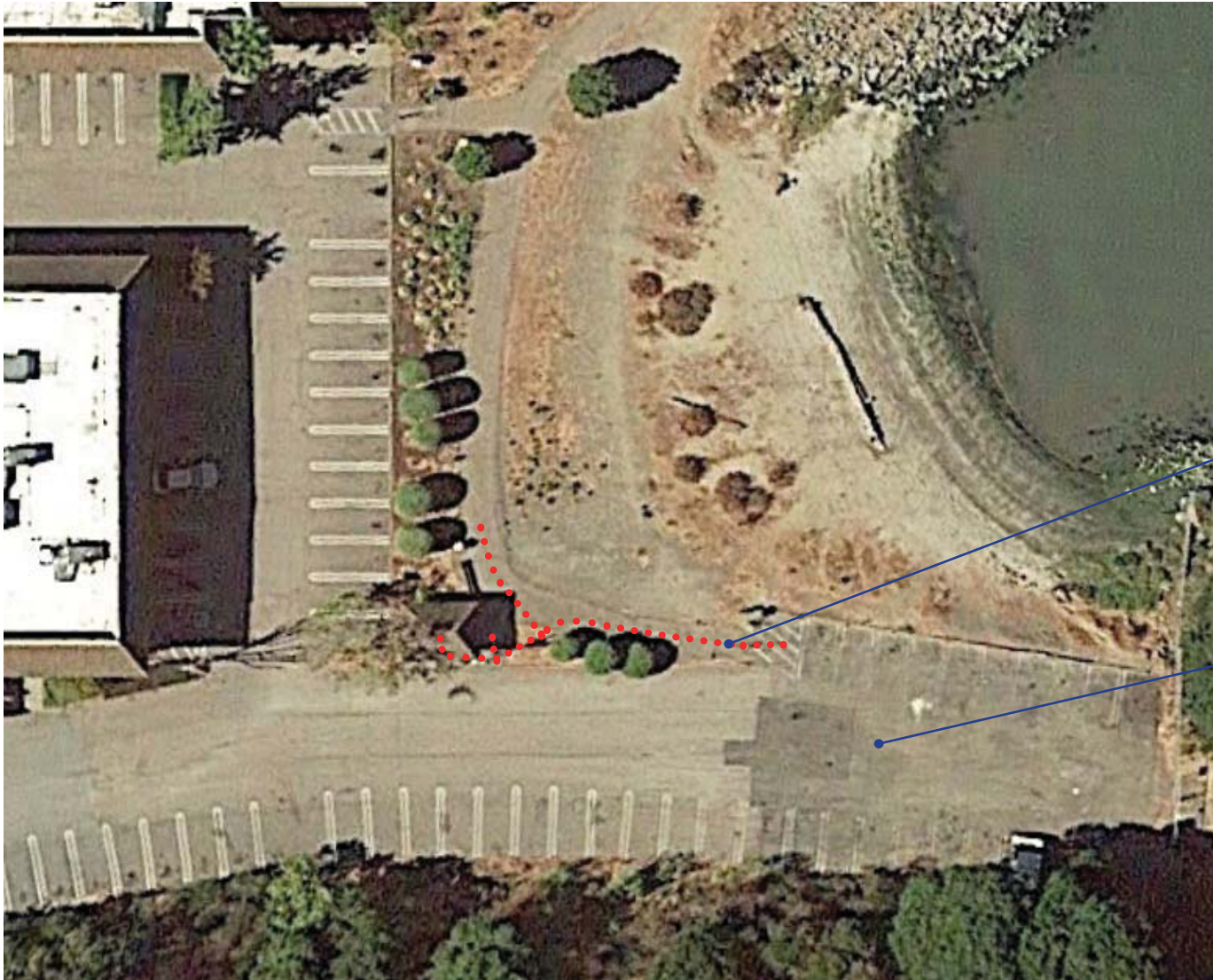
Prepared By:

Sally Swanson
Architects
San Francisco, CA

Project #: 24056.00

Date: 03-27-2017

Sheet: 1-0-1



2

1

1-0-1

Shoreline Park Pathway Restroom
Exterior - On-Site

1 — Item Number

..... Accessible Path of Travel

—————



City of San Rafael

Location:
2171 E Francisco Blvd, San Rafael, CA

Facility:
Shoreline Park Pathway Restroom

BARRIER LOCATION MAP



REF NORTH
N.T.S.

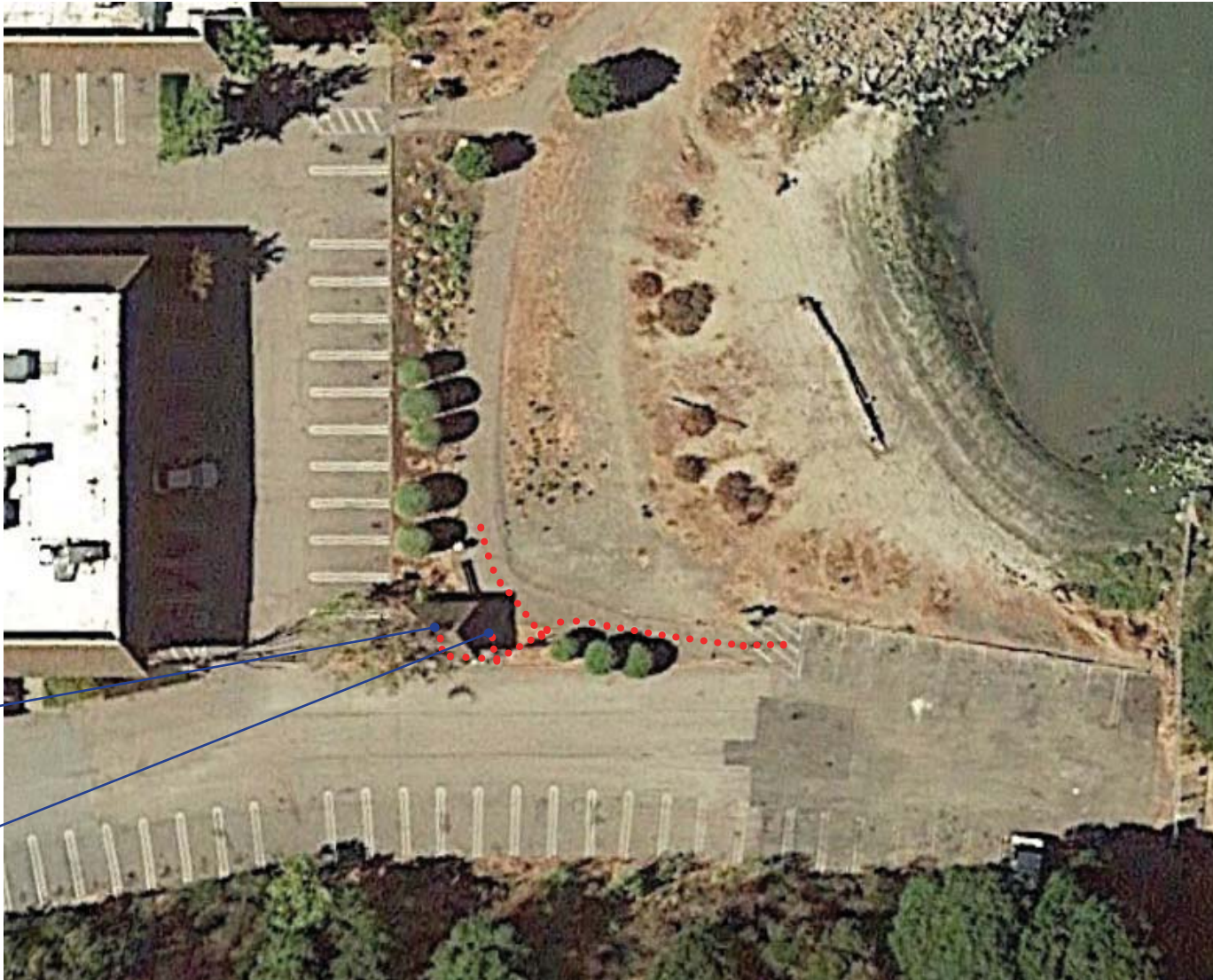
Prepared By:

Sally Swanson
Architects
San Francisco, CA

Project #: 24056.00

Date: 03-27-2017

Sheet: 1-1-1



2

1

1-1-1

Shoreline Park Pathway Restroom
Interior - Ground Floor

1 — Item Number

..... — Accessible Path of Travel

———— —



SURVEY DATA

Facility: **Shoreline Park Pathway Restroom Upgrades**

Address: **2171 E Francisco Blvd**

Part: **Exterior**

Floor: **On-site**

Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total
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1 Public Shore Parking Lot

Minimum Number

1	<ul style="list-style-type: none"> • <i>As-Built Description:</i> At parking lot with 1-25 spaces, the number of accessible spaces is less than required by code; 1 space required • <i>Proposed Solution:</i> Provide required accessible parking space with sign including a minimum of one van space. • <i>Notes:</i> 22 totals parking spaces, 0 accessible parking spaces provided. 	<p><i>PCODE</i> EA01A <i>ADAAG 91</i> 4.1.2(5) <i>ADA 2010</i> 208.2 <i>CBC 2007</i> Tbl. 11B-6 <i>CBC 2013</i> 11B-208.2 Tbl. 11B-208.2</p>	1	JOB	\$300	\$300
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2 POT from Public Shore Parking to Restrooms Building

Changes in Level


7	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Walk: Pavement dislocation creates abrupt change in level exceeding 1/2" in accessible route. • <i>As-Built:</i> 1" • <i>Proposed Solution:</i> Remove, replace or repair area of pavement sufficient to correct abrupt change in level. 	<p><i>PCODE</i> EF03REF <i>ADAAG 91</i> 4.3.8 <i>ADA 2010</i> 403.4 <i>CBC 2007</i> 1133B.7.4 <i>CBC 2013</i> 11B-403.4</p>				REF
11	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Walk: Pavement dislocation creates abrupt change in level exceeding 1/2" in accessible route. • <i>As-Built:</i> 3.5" to 3.75" lip due to adjacent surface tapering downward • <i>Proposed Solution:</i> Remove, replace or repair area of pavement sufficient to correct abrupt change in level. • <i>Notes:</i> To be resolved when resurfacing area. 	<p><i>PCODE</i> EF03REF <i>ADAAG 91</i> 4.3.8 <i>ADA 2010</i> 403.4 <i>CBC 2007</i> 1133B.7.4 <i>CBC 2013</i> 11B-403.4</p>				REF

Facility: **Shoreline Park Pathway Restroom Upgrades**


Address: **2171 E Francisco Blvd**


Part: **Exterior**

Floor: **On-site**


Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total
13	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Walk: Pavement dislocation creates abrupt change in level exceeding 1/2" in accessible route. • <i>As-Built:</i> 0.5" to 1.5" • <i>Proposed Solution:</i> Remove, replace or repair area of pavement sufficient to correct abrupt change in level. 	<p style="margin: 0;"><i>PCODE</i> EF03REF</p> <p style="margin: 0;"><i>ADAAG 91</i> 4.3.8</p> <p style="margin: 0;"><i>ADA 2010</i> 403.4</p> <p style="margin: 0;"><i>CBC 2007</i> 1133B.7.4</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-403.4</p>				REF
						

Cross Slope

3	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Cross slope more than 1":48" (2.083%). • <i>As-Built:</i> 2.9% to 3.4% • <i>Proposed Solution:</i> Modify cross slope. 	<p style="margin: 0;"><i>PCODE</i> EF07</p> <p style="margin: 0;"><i>ADAAG 91</i> 4.3.7</p> <p style="margin: 0;"><i>ADA 2010</i> 403.3</p> <p style="margin: 0;"><i>CBC 2007</i> 1133B.7.1.3</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-403.3</p>	50	SF	\$25	\$1,250
						

5	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Cross slope more than 1":48" (2.083%). • <i>As-Built:</i> Sloped due to irregular surfaces • <i>Proposed Solution:</i> Modify cross slope. 	<p style="margin: 0;"><i>PCODE</i> EF07REF</p> <p style="margin: 0;"><i>ADAAG 91</i> 4.3.7</p> <p style="margin: 0;"><i>ADA 2010</i> 403.3</p> <p style="margin: 0;"><i>CBC 2007</i> 1133B.7.1.3</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-403.3</p>				REF
						

Detectable Warning


2	<ul style="list-style-type: none"> • <i>As-Built Description:</i> 36" wide band of truncated domes not provided at walkway or crossing adjoining a vehicular way, if surfaces are not separated by a curb, railing, or other element. • <i>Proposed Solution:</i> Provide 36" wide, contrasting color, band of truncated domes between pedestrian and vehicular area. 	<p style="margin: 0;"><i>PCODE</i> EG09</p> <p style="margin: 0;"><i>ADAAG 91</i> 4.29.5</p> <p style="margin: 0;"><i>CBC 2007</i> 1133B.8.5</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-705.1.2.5</p>	7.5	LF	\$27	\$203
						

Facility: **Shoreline Park Pathway Restroom Upgrades**


Address: **2171 E Francisco Blvd**

Part: **Exterior**


Floor: **On-site**

Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total
48	<ul style="list-style-type: none"> • <i>As-Built Description:</i> 36" wide band of truncated domes not provided at walkway or crossing adjoining a vehicular way, if surfaces are not separated by a curb, railing, or other element. • <i>Proposed Solution:</i> Provide 36" wide, contrasting color, band of truncated domes between pedestrian and vehicular area. 	<p style="margin: 0;">PCODE EG09</p> <p style="margin: 0;">ADAAG 91 4.29.5</p> <p style="margin: 0;">CBC 2007 1133B.8.5</p> <p style="margin: 0;">CBC 2013 11B-705.1.2.5</p>	8	LF	\$27	\$216
						

Door

12	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Surface of required maneuvering clearance at door slopes more than 1/4":12" (2.0%). • <i>As-Built:</i> 2.3% to 7.8% • <i>Proposed Solution:</i> Modify surface slope at door. • Notes: Recommend also when remodeling to provide separation from adjacent vehicular roadway or consider the option of relocating the doors to the building side directly serving trail. 	<p style="margin: 0;">PCODE ID11</p> <p style="margin: 0;">ADAAG 91 4.13.6</p> <p style="margin: 0;">ADA 2010 404.2.4.4</p> <p style="margin: 0;">CBC 2007 1133B.2.4</p> <p style="margin: 0;">CBC 2013 11B-404.2.4</p>	50	SF	\$40	\$2,000
						

Fixed Bench

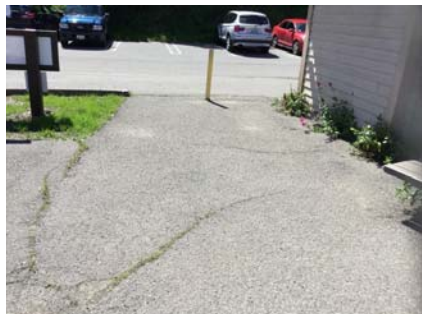
9	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Clear and level floor or ground space (30" x 48") not overlapping with other clear space requirements, is not provided at at least one end of the bench. • <i>As-Built:</i> Adjacent wheelchair space on irregular surface. • <i>Proposed Solution:</i> Provide and position a clear and level floor or ground space to allow wheelchair users to be seated shoulder-to-shoulder with an individual seated on the bench. • Notes: Space is level but recommend resurfacing entire area. 	<p style="margin: 0;">PCODE NO07REF</p> <p style="margin: 0;">ADAAG 91 4.32.2</p> <p style="margin: 0;">ADA 2010 903.2</p> <p style="margin: 0;">CBC 2007 1118B.4</p> <p style="margin: 0;">CBC 2013 11B-903.2</p>	REF				
							

Facility: **Shoreline Park Pathway Restroom Upgrades**

Address: **2171 E Francisco Blvd**

Part: **Exterior**

Floor: **On-site**

Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total	
Walk							
8	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Walk: Slope greater than 1:20 (5.0%), and walk does not comply with requirements for ramps. • <i>As-Built:</i> 11.5% • <i>Proposed Solution:</i> Modify walk/sidewalk slope to 1:20 or less. 	<p style="margin: 0;"><i>PCODE</i> EF01REF</p> <p style="margin: 0;"><i>ADAAG 91</i> 4.3.7</p> <p style="margin: 0;"><i>ADA 2010</i> 403.3</p> <p style="margin: 0;"><i>CBC 2007</i> 1133B.7.3</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-403.3</p>	REF				
							
4	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Walk: Irregular surface in pavement. • <i>Proposed Solution:</i> Smooth pavement surface; grind or refinish surface. 	<p style="margin: 0;"><i>PCODE</i> EF10</p> <p style="margin: 0;"><i>ADAAG 91</i> 4.5.2</p> <p style="margin: 0;"><i>ADA 2010</i> 303.1; 302.1</p> <p style="margin: 0;"><i>CBC 2007</i> 1133B.7.1</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-303.1; 11B-302.1</p>	200	SF	\$5	\$1,000	
							
6	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Walk: Irregular surface in pavement. • <i>Proposed Solution:</i> Smooth pavement surface; grind or refinish surface. 	<p style="margin: 0;"><i>PCODE</i> EF10</p> <p style="margin: 0;"><i>ADAAG 91</i> 4.5.2</p> <p style="margin: 0;"><i>ADA 2010</i> 303.1; 302.1</p> <p style="margin: 0;"><i>CBC 2007</i> 1133B.7.1</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-303.1; 11B-302.1</p>	220	SF	\$5	\$1,100	
							

Total Costs for Floor: On-site \$6,068.50

Facility: **Shoreline Park Pathway Restroom Upgrades**

Address: **2171 E Francisco Blvd**

Part: **Exterior**

Floor: **On-site**

Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total
Total Costs for		Area: Exterior				\$6,068.50

Facility: **Shoreline Park Pathway Restroom Upgrades**

Address: **2171 E Francisco Blvd**


Part: **Interior**

Floor: **Ground Floor**


Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total
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1 Men's Restroom

Restroom

<p>16</p> <ul style="list-style-type: none"> <i>As-Built Description:</i> Single accommodation restroom not accessible; multiple compliance violations. <i>Proposed Solution:</i> Remodel area to provide single-occupant accessible restroom. <i>Notes:</i> Exact same layout of Women's Restroom. Not able to open the door at time of survey. City plans to demolish both restrooms and convert into single unisex restroom with urinal. Existing restroom measured at 71" wide x 91" deep. 	<p><i>PCODE</i> WA01 <i>ADAAG 91</i> 4.22 <i>ADA 2010</i> 603.1 <i>CBC 2007</i> 1115B.3.2 <i>CBC 2013</i> 11B-603.1</p>	<p>1 JOB \$30,000 \$30,000</p>	
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Signage

<p>14</p> <ul style="list-style-type: none"> <i>As-Built Description:</i> Entrance to toilet or bathing facility not identified with ADAAG compliant signage. <i>As-Built:</i> Noncompliant latch sign <i>Proposed Solution:</i> Provide ADA compliant sign mounted at 48" min. above to baseline of the lowest Braille cells and 60" max. to baseline of the highest line of raised characters on nearest adjacent wall, on latch side of a single door (located not to cause a Braille reader to stand within the door swing). 	<p><i>PCODE</i> SA11A <i>ADAAG 91</i> 4.1.3(16)(a) <i>ADA 2010</i> 216.8 <i>CBC 2013</i> 11B-216.8</p>	<p>1 JOB \$90 \$90</p>	
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<p>15</p> <ul style="list-style-type: none"> <i>As-Built Description:</i> Required in CA only: identification symbol centered 58" to 60" high on sanitary facility door that contrasts with the door not provided (women: 12" ø circle, men: 12" triangle, unisex: combined symbol). <i>As-Built:</i> No geometric sign provided <i>Proposed Solution:</i> Provide properly mounted sanitary facility symbol when altering area. If wheelchair accessible, include International Symbol of Accessibility on sign. 	<p><i>PCODE</i> SA15 <i>CBC 2007</i> 1115B.6 <i>CBC 2013</i> 11B-703.7.2.6</p>	<p>1 JOB \$90 \$90</p>	
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2 Women's Restroom

Facility: **Shoreline Park Pathway Restroom Upgrades**

Address: **2171 E Francisco Blvd**

Part: **Interior**

Floor: **Ground Floor**

Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total
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Accessories

28	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Toilet paper dispenser less than 15" (CA: 19") or more than 48" above floor or not within 7" to 9" from front of water closet (Note: CA pre-2010 is allowed within 12" from front of water closet). • <i>As-Built:</i> 12" in front • <i>Proposed Solution:</i> Relocate or provide new toilet paper dispenser. 	<p style="margin: 0;"><i>PCODE</i> WG02REF</p> <p style="margin: 0;"><i>ADAAG 91</i> 4.16.6</p> <p style="margin: 0;"><i>ADA 2010</i> 604.7</p> <p style="margin: 0;"><i>CBC 2007</i> 1115B.8.4</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-604.7</p>				
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REF



19	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Bottom of mirror located above lavatories or countertops more than 40" above floor. • <i>As-Built:</i> 55" high • <i>Proposed Solution:</i> Relocate or provide new accessible mirror. 	<p style="margin: 0;"><i>PCODE</i> WG03REF</p> <p style="margin: 0;"><i>ADAAG 91</i> 4.19.6</p> <p style="margin: 0;"><i>ADA 2010</i> 603.3</p> <p style="margin: 0;"><i>CBC 2007</i> 1115B.8.1</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-603.3</p>				
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REF



Door

34	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Door lock or latch less than 34" or more than 48" above the floor (CA only: 34" to 44"). • <i>As-Built:</i> 49" AFF • <i>Proposed Solution:</i> Relocate or replace existing hardware. 	<p style="margin: 0;"><i>PCODE</i> ID17REF</p> <p style="margin: 0;"><i>ADAAG 91</i> 4.13.9</p> <p style="margin: 0;"><i>ADA 2010</i> 404.2.7</p> <p style="margin: 0;"><i>CBC 2007</i> 1133B.2.5.2</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-404.2.7</p>				
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REF



Door Hardware

33	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Door does not have accessible operating hardware. • <i>Proposed Solution:</i> Provide lever handle or other accessible hardware. 	<p style="margin: 0;"><i>PCODE</i> ID07REF</p> <p style="margin: 0;"><i>ADAAG 91</i> 4.13.9</p> <p style="margin: 0;"><i>ADA 2010</i> 404.2.7</p> <p style="margin: 0;"><i>CBC 2007</i> 1133B.2.5.2</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-404.2.7</p>				
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REF






Facility: **Shoreline Park Pathway Restroom Upgrades**

Address: **2171 E Francisco Blvd**

Part: **Interior**

Floor: **Ground Floor**





Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total
<u>Door Swing</u>						
31	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Front approach: At pull side, door does not have clear and level maneuvering space measuring door width plus 18" x 60". (24" x 60" at exterior doors). • <i>As-Built:</i> 12" to trash bin • <i>Proposed Solution:</i> Remove or relocate furniture or storage items. 	<p><i>PCODE</i> ID23AREF</p> <p><i>ADAAG 91</i> Fig. 25(a)</p> <p><i>ADA 2010</i> 404.2.4</p> <p><i>CBC 2007</i> 11B-26A(a)</p> <p><i>CBC 2013</i> 11B-404.2.4</p>				
						REF
						
<u>Drain</u>						
27	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Floor surface sloped greater than 2.0% (1:48) due to drain. • <i>As-Built:</i> 6.3% slope at drain. • <i>Proposed Solution:</i> Remodel floor surface to compliance. 	<p><i>PCODE</i> WF06A</p> <p><i>ADA 2010</i> 608.9</p> <p><i>CBC 2013</i> 11B-608.9</p>	1	JOB	\$500	\$500
						
<u>Electrical</u>						
30	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Electric switch or control mounted less than 15" measured to the bottom of the outlet box or greater than 48 inches measured to the top of the outlet box. • <i>As-Built:</i> 50.5" high • <i>Proposed Solution:</i> Relocate light switches or control to between 15" and 48" height. 	<p><i>PCODE</i> IC01REF</p> <p><i>ADAAG 91</i> 4.2.5 & 6</p> <p><i>ADA 2010</i> 308.2.1 & 308.2.2</p> <p><i>CBC 2007</i> 1117B.6.3</p> <p><i>CBC 2013</i> 11B-308.2.1 & 11B-308.2.2</p>				
						REF
						

Facility: **Shoreline Park Pathway Restroom Upgrades**

Address: **2171 E Francisco Blvd**

Part: **Interior**

Floor: **Ground Floor**


Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total
<u>Entry Door</u>						
32	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Door swings into the clear 30x48 floor space required for any fixture. • <i>As-Built:</i> Door swings into clear space of lavatory. • <i>Proposed Solution:</i> Modify restroom layout. 	<p><i>PCODE</i> WC04REF</p> <p><i>ADAAG 91</i> 4.22.2</p> <p><i>ADA 2010</i> 603.2.3</p> <p><i>CBC 2007</i> 1115B.3.1.1</p> <p><i>CBC 2013</i> 11B-603.2.3</p>	REF			
<u>Grab Bars</u>						
24	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Side grab bar less than 42" long, or located more than 12 inches max. from the rear wall, or extending less than 54" from rear wall (CA only: front end min. 24" in front of water closet). • <i>As-Built:</i> 42" long SGB at 49.5" • <i>Proposed Solution:</i> Provide or relocate accessible side grab bar. 	<p><i>PCODE</i> WB07AREF</p> <p><i>ADAAG 91</i> Fig. 29(b)</p> <p><i>ADA 2010</i> 604.5.1</p> <p><i>CBC 2007</i> 1115B.4.1.3.1</p> <p><i>CBC 2013</i> 11B-604.5.1</p>	REF			
23	<ul style="list-style-type: none"> • <i>As-Built Description:</i> The rear wall grab is less than 36" min. or does not extend from the centerline of the water closet 12" min. on one side and 24" min. on the other side. • <i>As-Built:</i> 24" long RGB at 36" 16" on wide side • <i>Proposed Solution:</i> Provide accessible rear grab bar. 	<p><i>PCODE</i> WB07BREF</p> <p><i>ADAAG 91</i> 4.17.6</p> <p><i>ADA 2010</i> 604.5.2</p> <p><i>CBC 2007</i> 1115B.4.1.3.2</p> <p><i>CBC 2013</i> 11B-604.5.2</p>	REF			
<u>Lavatory</u>						
20	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Hot or sharp-surfaced water/drain pipe not insulated or covered. • <i>Proposed Solution:</i> Insulate or cover water/drain pipe. 	<p><i>PCODE</i> WD05REF</p> <p><i>ADAAG 91</i> 4.19.4</p> <p><i>ADA 2010</i> 606.5</p> <p><i>CBC 2007</i> 1115B.4.3.4</p> <p><i>CBC 2013</i> 11B-606.5</p>	REF			

Facility: **Shoreline Park Pathway Restroom Upgrades**


Address: **2171 E Francisco Blvd**

Part: **Interior**


Floor: **Ground Floor**

Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total
22	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Front edge of lavatory or counter less than 17" from wall for toe clearance. • <i>As-Built:</i> 15" deep • <i>Proposed Solution:</i> Install new lavatory. 	<p style="margin: 0;">PCODE WD09REF</p> <p style="margin: 0;">ADAAG 91 Fig. 31</p> <p style="margin: 0;">ADA 2010 306.2; 306.3</p> <p style="margin: 0;">CBC 2007 1115B.4.3</p> <p style="margin: 0;">CBC 2013 11B-306.2; 11B-306.3</p>				REF
						


Protrusion Limits

18	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Protruding objects more than 4" from wall, when bottom of object more than 27" or less than 80" above finished floor. • <i>As-Built:</i> 9" at 43" AFF • <i>Proposed Solution:</i> Remove/relocate protruding object. Patch existing surface. • <i>Notes:</i> Hand dryer. 	<p style="margin: 0;">PCODE EG04REF</p> <p style="margin: 0;">ADAAG 91 4.4.1</p> <p style="margin: 0;">ADA 2010 307.2</p> <p style="margin: 0;">CBC 2007 1133B.8.6.1</p> <p style="margin: 0;">CBC 2013 11B-307.2</p>				REF
						

Restroom

17	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Single accommodation restroom not accessible; multiple compliance violations. • <i>Proposed Solution:</i> Remodel area to provide single-occupant accessible restroom. • <i>Notes:</i> City plans to demolish both restrooms and convert into single unisex restroom with urinal. Existing restroom measured at 71" wide x 91" deep. 	<p style="margin: 0;">PCODE WA01</p> <p style="margin: 0;">ADAAG 91 4.22</p> <p style="margin: 0;">ADA 2010 603.1</p> <p style="margin: 0;">CBC 2007 1115B.3.2</p> <p style="margin: 0;">CBC 2013 11B-603.1</p>	1	JOB	\$30,000	\$30,000
						

Signage

40	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Entrance to toilet or bathing facility not identified with ADAAG compliant signage. • <i>As-Built:</i> Noncompliant latch sign • <i>Proposed Solution:</i> Provide ADA compliant sign mounted at 48" min. above to baseline of the lowest Braille cells and 60" max. to baseline of the highest line of raised characters on nearest adjacent wall, on latch side of a single door (located not to cause a Braille reader to stand within the door swing). 	<p style="margin: 0;">PCODE SA11A</p> <p style="margin: 0;">ADAAG 91 4.1.3(16)(a)</p> <p style="margin: 0;">ADA 2010 216.8</p> <p style="margin: 0;">CBC 2013 11B-216.8</p>	1	JOB	\$90	\$90
						

Facility: **Shoreline Park Pathway Restroom Upgrades**

Address: **2171 E Francisco Blvd**

Part: **Interior**

Floor: **Ground Floor**

Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total
41	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Required in CA only: identification symbol centered 58" to 60" high on sanitary facility door that contrasts with the door not provided (women: 12" ø circle, men: 12" triangle, unisex: combined symbol). • <i>As-Built:</i> No geometric sign • <i>Proposed Solution:</i> Provide properly mounted sanitary facility symbol when altering area. If wheelchair accessible, include International Symbol of Accessibility on sign. 	<p style="margin: 0;"><i>PCODE</i> SA15</p> <p style="margin: 0;"><i>CBC 2007</i> 1115B.6</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-703.7.2.6</p>	1	JOB	\$90	\$90



Toilet Stall

21	<ul style="list-style-type: none"> • <i>As-Built Description:</i> 60" min. clearance around a water closet measured perpendicular from the side wall not provided (Fixtures are not allowed to overlap this clearance). • <i>As-Built:</i> 43.5" from side wall to lavatory • <i>Proposed Solution:</i> Remove adjacent fixture and provide new enclosure at accessible water closet. 	<p style="margin: 0;"><i>PCODE</i> WB01AREF</p> <p style="margin: 0;"><i>ADA 2010</i> 604.3.1; 604.3.2</p> <p style="margin: 0;"><i>CBC 2007</i> 1115B.7.1.3</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-604.3.1; 11B-604.3.2</p>	REF			
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Water Closet

25	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Water closet not 18" from near side wall to center line of water closet (proposed new ADAAG: 16"-18"). • <i>As-Built:</i> 20" o.c. • <i>Proposed Solution:</i> Relocate existing water closet and plumbing, remount with offset closet flange to provide 18" max. from side wall. 	<p style="margin: 0;"><i>PCODE</i> WB02CREF</p> <p style="margin: 0;"><i>ADAAG 91</i> Fig. 28</p> <p style="margin: 0;"><i>ADA 2010</i> 604.2</p> <p style="margin: 0;"><i>CBC 2007</i> 1115B.4.1.1</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-604.2</p>	REF			
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26	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Height of water closet seat less than 17" or more than 19" from floor. • <i>As-Built:</i> 16.5" high • <i>Proposed Solution:</i> Provide new accessible water closet. 	<p style="margin: 0;"><i>PCODE</i> WB08REF</p> <p style="margin: 0;"><i>ADAAG 91</i> 4.16.3</p> <p style="margin: 0;"><i>ADA 2010</i> 604.4</p> <p style="margin: 0;"><i>CBC 2007</i> 1115B.4.1.4</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-604.4</p>	REF			
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Facility: **Shoreline Park Pathway Restroom Upgrades**

Address: **2171 E Francisco Blvd**

Part: **Interior**

Floor: **Ground Floor**

Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total
29	<ul style="list-style-type: none"> • <i>As-Built Description:</i> Flush Control: Operating handle not mounted toward wide side of stall. • <i>As-Built:</i> Operating button directly in middle above RGB • <i>Proposed Solution:</i> Replace flush control with properly mounted accessible type, or install sensor flush. • <i>Notes:</i> Recommend relocating operating handle, existing location may have conflict with reach ranges. 	<p style="margin: 0;"><i>PCODE</i> WB10REF</p> <p style="margin: 0;"><i>ADAAG 91</i> 4.16.5</p> <p style="margin: 0;"><i>ADA 2010</i> 604.6</p> <p style="margin: 0;"><i>CBC 2007</i> 1115B.4.1.5</p> <p style="margin: 0;"><i>CBC 2013</i> 11B-604.6</p>			REF	
						

Total Costs for	Floor: Ground Floor	\$60,860.00
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Facility: **Shoreline Park Pathway Restroom Upgrades**

Address: **2171 E Francisco Blvd**

Part: **Interior**

Floor: **Ground Floor**

Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total
Total Costs for		Area: Interior				\$60,860.00

Facility: **Shoreline Park Pathway Restroom Upgrades**

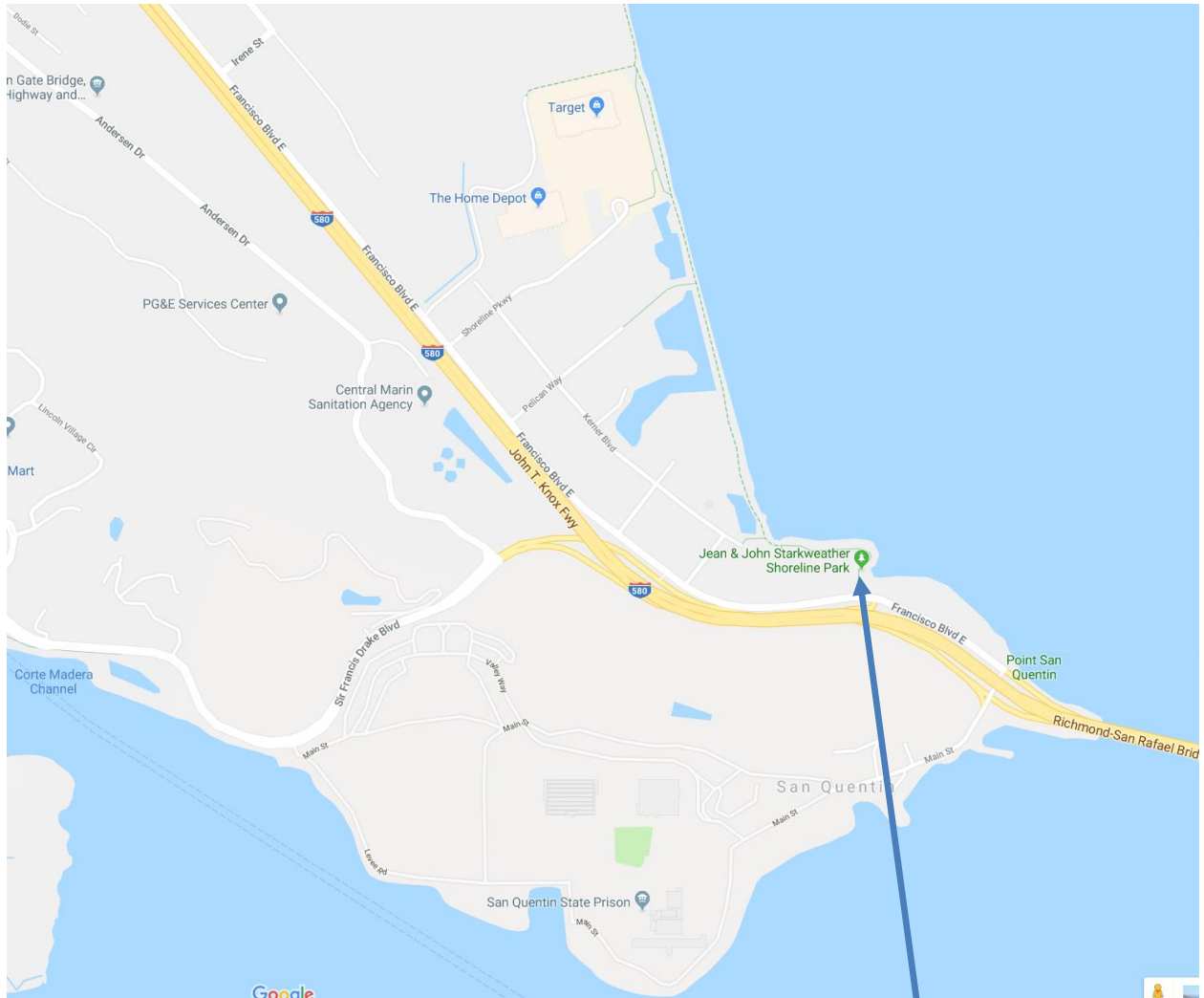
Address: **2171 E Francisco Blvd**

Part: **Interior**

Floor: **Ground Floor**

Item No. and Name	Existing Architectural Barrier and Proposed Solution	Codes / Mitigation Info	Qty	Unit	Cost	Total
Total Costs for	Facility: Shoreline Park Pathway Restroom Upgrades					\$66,928.50
Total Costs for	City of San Rafael					\$66,928.50

Location Map and Photographs



Shoreline Park Bathroom

Exhibit 15A

Attachment 3



Exhibit 15A

Attachment 3



Exhibit 15A

Attachment 3



Exhibit 15A

Attachment 3



Exhibit 15A

Attachment 3



Exhibit 15A

Attachment 3





June 28, 2018

File No. 22.08.11

Matthew Trujillo, Coastal Program Analyst II
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

Re: Proposed bathroom at Starkweather Park
Response to June 15, 2018 Email

Dear Mr. Trujillo,

I am following up on your email to me dated June 15, 2018, regarding questions related to the recently proposed Starkweather Park restroom relocation. I had previously indicated to you that our co-permittee, Roots Construction was proposing to construct a new bathroom on the other side of the park from where the current facility exists. While we believe that Roots Construction intends to construct this restroom, the construction is dependent on plan review and building permits that have not been submitted to the City of San Rafael yet. Therefore the City believes there are too many uncertainties and timeline challenges to rely on this alternative for the needed bathroom.

The City continues to work towards fully complying with our permit and based on feedback given during the January 4, 2018 BCDC hearing, intends to construct a new permanent restroom facility adjacent to the currently closed restroom.

The City intends to construct a single occupancy ADA compliant vault style restroom similar to one recently installed along the Loch Lomond Harbor Bay Trail in San Rafael. The restroom would have a 1,000 gallon concrete waste vault and would be serviced regularly. The City is currently working on acquiring pricing, gathering lead time estimates. The City will provide this information to BCDC staff once finalized. We are also going to determine the exact location where the new restroom will be installed and will coordinate with BCDC on this to ensure you are in agreement with the future restroom location.

If you have questions or comments please contact me at 415-458-5360 or at Thomas.Wong@cityofsanrafael.org.

Sincerely,

Thomas Wong
Junior Engineer

C: Bill Guerin, Public Works Director
Kevin McGowan, Assistant Public Works Director/City Engineer

Attachments:

1. Photos of similar restroom located along the Loch Lomond Harbor Bay Trail, San Rafael
2. CXT Cascadian Vault Restroom Specifications
3. CXT Cascadian Vault Restroom Elevations and Floor Plans

Photographs of the Loch Lomond Harbor Bay Trail Restroom



Exhibit 15B

Attachment 1



Exhibit 15B

Attachment 1





SPECIFICATIONS

CASCADIAN BUILDING STYLE

1.0 SCOPE

This specification covers the construction and placing of precast Cascadian toilet buildings as produced by CXT Incorporated.

2.0 SPECIFICATIONS

ASTM C33	Concrete Aggregates
ASTM C39	Method of Test for Compressive Strength of Cylindrical Concrete Specimens
ASTM C94	Standard Specification for Ready-Mixed Concrete
ASTM C143	Method of Test for Slump of Concrete
ASTM C150	Standard Specification for Portland Cement
ASTM C172	Standard Practice for Sampling Freshly Mixed Concrete
ASTM A185	Standard Specification for Steel Welded Wire Reinforcement, Plain, or Concrete
ASTM C192	Method of Making and Curing Test Specimens in the Laboratory
ASTM C231	Standard Test Method for Air Content of Freshly Mixed Concrete by the Pressure Method
ASTM C309	Standard Specifications for Liquid Membrane-Forming Compounds for Curing Concrete
ASTM C494	Standard Specification for Chemical Admixtures for Concrete
ASTM A615	Standard Specification for Deformed and Plain Carbon-Steel bars for Concrete Reinforcement
ASTM C618	Standard Specification for Coal Fly Ash and Raw or Calcined Natural Pozzolan for Use in Concrete
ASTM C979	Standard Specification for Pigments for Integrally Colored Concrete
ASTM D1557	Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort
ACI 211.1	Standard Practice for Selecting Proportions for Normal, Heavyweight, and Mass Concrete
ACI 306	Cold Weather Concreting
ACI 318	Building Code Requirements Structural Concrete and Commentary (includes Errata)
PCI MNL 116	Quality Control for Plants and Production of Precast Prestressed Concrete Products

3.0 MANUFACTURER CRITERIA

The manufacturer supplying the requested precast concrete vault facility must meet the following:

- A. Manufacturer must be ISO 9001 certified at the time of bid.
- B. Manufacturing plant must be PCI certified at the time of bid.
- C. Manufacturer must not have defaulted on any contract within the last five (5) years.
- D. Manufacturer must provide stamped, engineered drawings prior to acceptance.
- E. Manufacturer must be pre-approved prior to bidding.

- F. Manufacturer must show four (4) examples of Sweet Smelling Technology designed precast concrete vault toilet facilities produced, installed, and in use as an example of their ability to perform on this contract.
- G. Manufacture shall provide a 20-year warranty.
- H. UL 752 Bullet Resistance on 4" thick concrete samples.

Manufacturer meeting these criteria is:

CXT Incorporated
 Spokane Industrial Park
 3808 North Sullivan Road, Building 7
 Spokane, WA 99216
 Phone 800-696-5766

4.0 DESIGN CRITERIA

Vault buildings have been designed to individually meet the following criteria. Calculations and engineer's stamped drawings are available, for standard buildings, upon request by the customer and are for their sole and specific use only. The design criteria are to ensure that they not only will withstand the forces of nature listed below but will provide protection from vandalism and other unforeseen hazards. Building will be manufactured using precast concrete including the roof. Building's structural and foundation design will be relevant to the region and properties associated with its final placement. Design will also meet all applicable accessibility and building code requirements. Vault buildings also to meet various structural loads such as below, but not limited to/or restricted by them.

- A. Roof Snow Load
 - 1. Vault buildings are designed to withstand a 350 pounds per square foot snow load.
- B. Floor Load
 - 1. Vault buildings are designed to withstand 400 pounds per square foot floor load.
- C. Wind Load
 - 1. Vault buildings will withstand the effects of 150 miles per hour (3-second gust) wind exposure C.
- D. Earthquake
 - 1. Vault buildings will withstand the effects of a seismic design category E earthquake.
- E. Sweet Smelling Technology (SST)
 - 1. Vault buildings incorporate design aspects of SST as outlined by Briar Cook for the U.S. Forest Service.
 - 2. All wall to floor interior surface seams shall have a minimum 1" radius coving made of high strength grout.
 - 3. The vault shall have a bottom slope of 1" per foot from under the toilet riser out to the outside cleanout area.
 - 4. The vault shall have a 24" diameter (minimum) lightweight manhole cover installed to the rear or side of the building.
 - a. The manhole cover should be raised, with the surrounding concrete sloped away using a minimum slope of 1/2" per foot.

5. The depth of the vault shall be no deeper than 4½' to 5'.
 6. A 12" diameter round pipe will be installed to vent the vault and the pipe shall be raised a minimum of 3' above the highest point of the roof.
 - a. Vent pipe shall be straight up from the vault.
 7. There shall be only one vent opening in the building and it shall be placed only on one side of the building (the side that the wind blows against).
- F. Additional Design Standards
1. Single vault buildings are an all concrete design with a minimum 7/12 roof pitch.
 2. Vault buildings shall have a minimum 4" wall, 4½" roof, and 5" floor thickness.
 3. Vault buildings have a one-piece floor unit to prevent panels that migrate in different directions during periods of freeze/thaw stress.
 4. Vault buildings have a one-piece full length and width vault unit to support the building, screen area, and snow loads evenly.

5.0 MATERIALS

- A. Concrete – General
1. The concrete mix design is designed to ACI 211.1 to produce concrete of good workability.
 2. Concrete will contain a minimum of 675 pounds of cementitious material per yard. Cement is a low alkali type I/II or III conforming to ASTM C-150.
 3. Coarse aggregates used in the concrete mix design will conform to ASTM C33 with the designated size of coarse aggregate #67.
 4. Maximum water/cement ratio will not exceed .45.
 5. Air-entraining admixtures will conform to ASTM C260. Water reducing admixtures will conform to ASTM C494, Type A.
 6. If Self Compacting Concrete (SCC) is used, it must conform to ASTM C1611.
- B. Concrete – Colored
1. Color additives will conform to ASTM C979. A 12" x 12" x 1" color sample is available for customer approval.
 2. The following will contain colored concrete:
 - a. Toilet building roof panels.
 - b. Building walls.
 - c. Screen panels.
 3. The same brand and type of color additive are used throughout the manufacturing process.
 4. All ingredients are weighed and the mixing operation are adequate to ensure uniform dispersion of the color.
- C. Concrete – Cold Weather
1. Cold weather concrete placement is in accordance with ACI 306.
 2. Concrete will not be placed if ambient temperature is expected to be below 35°F during the curing period unless heat is readily available to maintain the temperature of the concrete at least 50°F.

3. Materials containing frost or lumps of frozen materials will not be used.
- D. Concrete – Hot Weather
1. The temperature of the concrete will not exceed 90°F at the time of placement. When the ambient reaches 90°F the concrete is protected with moist covering.
- E. Concrete Reinforcement
1. All reinforcing steel will conform to ASTM A615. All welded wire fabric will conform to ASTM A185.
 2. All reinforcement is new, free of dirt, oil, paint, grease, loose mill scale and loose or thick rust when placed.
 3. Details not shown on drawings or specified are to ACI318.
 4. Steel reinforcement is centered in the cross-sectional area of the walls and will have at least 1¼" of cover on the under surface of the floor.
 5. The maximum allowable variation for center-center spacing of reinforcing steel is ½".
 6. Full lengths of reinforcing steel are used when possible. When splices are necessary on long runs, splices are alternated from opposite sides of the components for adjacent steel bars.
 - a. Lap bars under #4 a minimum of 12" bar diameters.
 - b. Lap bars larger than #4 a minimum of 24" bar diameters.
 7. Reinforcing bars are bent cold. No bars partially embedded in concrete are field bent unless approved by the customer.
- F. Caulking, Grout, Adhesive and Sealer
1. Caulking service temperatures from -40°F to +194°F.
 2. Interior and exterior joints are caulked with a paintable polyurethane sealant.
 3. Grout is a non-shrink type and are painted to match the color of surrounding concrete as nearly as possible.
 4. Cement base coating is formulated with a very fine aggregate system and is a built-in bonding agent.
- G. Dead Bolt
1. Certified ANSI/BHMA A156.5-2001 Grade 1.
 2. Heavy duty tamper resistant.
 3. 2¾" backset.
 4. U.S. 26D finish.
- H. Doors – Steel
1. Doors are flush panel type 1¾" thick, minimum 16-gauge galvanized steel, top painted with DTM ALKYD.
 2. Door frames are knockdown or welded type, single rabbet, minimum 16-gauge prime coated steel top painted with DTM ALKYD, width to suit wall thickness.
 3. Three (3) rubber door silencers are provided on latch side of frame.

- I. Door Hinges
 - 1. Three (3) per door with dull chrome plating 4½" x 4½", adjustable tension, and automatic closing for each door.
- J. Doorstop
 - 1. Dome style stop meeting ANSI 156.16.
- K. Door Sweep
 - 1. Provided at the bottom of door with an adjustable brush.
- L. Double Coat Hook
 - 1. 16-gauge (1.5mm), type 304 stainless steel.
 - 2. Formed construction with a satin finish and have ¾" x 7/8" nail in anchor.
 - 3. Upper hook extends at least 2½" from the wall.
 - 4. Lower hook will extend at least 1¼" from the wall.
- M. Grab Bars
 - 1. 18-gauge, type 304 stainless steel with 1½" clearance.
 - 2. Able to withstand 300-pound top loading.
- N. Lockset
 - 1. Meets ANSI A156.2 Series 4000, Grade 1 cylindrical lockset for exterior door.
 - 2. Lever handle both inside and out.
 - 3. Either handle operates latch unless outside handle is locked by inside push-button.
 - 4. Push-button will automatically release when inside lever handle is turned or door is closed.
 - 5. Emergency slot on exterior so door can be unlocked from the outside with a coin, screwdriver, etc.
 - 6. Inside lever always active.
 - 7. U.S. 26D finish.
- O. Paint
 - 1. All paints and materials will conform to all federal specifications or be similar "top-of-the-line-components."
 - 2. Paints will not contain more than .06% by weight of lead.
 - 3. Type of paints for toilets.
 - a. Inside concrete surfaces.
 - i. Interior floors – chemical resistant urethane. The color is gray.
 - ii. Interior walls and ceilings – modified acrylic, water repellent penetrating stain. The color is white followed by a clear acrylic anti-graffiti sealer.
 - b. Exterior concrete surfaces.
 - i. Exterior slab – clear sealer.
 - ii. Exterior walls and roof – water repellent penetrating stain in the same color as the walls or roof followed by a clear acrylic anti-graffiti sealer.
 - c. Metal surfaces (both inside and out).
 - i. DTM ALKYD.

- P. Riser
 - 1. Meets ADA standards.
 - 2. Molded one-piece HDPE polyethylene.
 - 3. Smooth surface and have high impact resistance at extremely cold temperatures.
- Q. Sealers and Curing Compounds
 - 1. Curing compounds, if used, are colorless, complying with ASTM C309, type I or 1-D.
 - 2. Weatherproofing sealer for exterior of building are a clear water repellent penetrating sealer.
- R. Signs
 - 1. Signs to have raised pictograms, letters, and braille to meet ADA.
 - 2. Interior to have "No Trash in Vault" sign.
 - 3. All signs inset a minimum of $\frac{3}{4}$ " into wall with 45-degree bevel.
 - 4. All signs to be anchored into concrete with $\frac{1}{4}$ " x $\frac{3}{4}$ " concrete anchor nails.
- S. Toilet Paper Dispenser
 - 1. Constructed of $\frac{1}{4}$ " thick, type 304 stainless steel.
 - 2. Holds three (3) standard rolls of toilet paper.
 - 3. Fastening system able to withstand 300-pound top loading.
- T. Vault Liner
 - 1. Made of a Roto molded 8460 polyethylene.
 - 2. Holds up to 1,000 gallons of waste or 15,000 uses per vault.
 - 3. Minimum thickness .100.
 - 4. Molded dovetail embeds to attach the liner to concrete walls of the vault.
 - 5. Welded two (2) C-channels to attach the liner to the bottom of the vault.
- U. Vent Stack
 - 1. Minimum 12" in diameter and a minimum 3' higher than the roof peak.
- V. Wall Vent
 - 1. Vent cover is 14-gauge, type 304 stainless steel painted with DTM and anchored into the concrete wall with high strength anti-rust tap con fasteners.
 - 2. Vent louver frame and louvers are non-vision, .1" extruded, aluminum jet coat finish.
 - 3. Vent comes with insect screen.
 - 4. Cover to be recessed a minimum $\frac{3}{4}$ " on exterior walls with a 45-degree bevel. Interior to be flush mounted. Wall vent will not protrude from the wall.
- W. Windows and Vault Cleanout Cover
 - 1. Windows and cleanout cover frames are constructed from steel.
 - 2. Window glazing is $\frac{3}{16}$ " thick translucent pebble finished mar-resistant Lexan.
 - 3. Plate for vault cleanout cover is $\frac{1}{4}$ " thick diamond plate steel.

4. Lid is hinged and configured so that it can be locked with a padlock. A gasket is provided around the entire perimeter of the lid to provide an airtight seal.
 5. Windows to have 3/4" recess with 45-degree bevel.
 6. Windows frames to have vandal resistant fasteners.
- X. Optional Roof Insulation
1. Ceiling anchored 1/2" plywood + fiberglass laminate + 2" polyurethane foam. Approximately R-19.

6.0 MANUFACTURE

- A. Mixing and Delivery of Concrete
1. Mixing and delivery of concrete are in accordance with ASTM C94, Section 12.6 through 12.9.
- B. Placing and Consolidating Concrete
1. Except for SCC, concrete is consolidated by the use of mechanical vibrators. Vibration are sufficient to accomplish compaction but not to the point that segregation occurs.
- C. Finishing Concrete
1. Interior floor and exterior slabs are floated and troweled.
 2. All exterior building walls and exterior screen walls are any one of the available textures.
 3. All exterior surfaces of the roof panels are cast to simulate any one of the available textures. The underside of the overhang will have a smooth finish.
- D. Cracks and Patching
1. Cracks in concrete components which are judged to affect the structural integrity of the building are rejected.
 2. Small holes, depressions, and air voids are patched with a suitable material. The patch will match the finish and texture of the surrounding surface.
 3. Patching will not be allowed on defective areas if the structural integrity of the building is affected.
- E. Curing and Hardening Concrete
1. Concrete surfaces will not be allowed to dry out from exposure to hot, dry weather during initial curing period.

7.0 FINISHING AND FABRICATION

- A. Structural Joints
1. Wall components are joined together with two (2) welded plate pairs at each joint.
 - a. Each weld plate is 6" long and located one (1) pair in the top quarter and one (1) pair in the bottom quarter of the seam.
 - b. Weld plates are anchored into the concrete panel and welded together with a continuous weld.
 - c. Inside seams are a paintable caulk.
 - d. Outside seams will use a caulk in a coordinating building color or clear.

2. Walls and roof are joined with weld plates, 3" x 6" at each building corner.
 3. The joint between the floor slab and walls are joined with a grout mixture on the inside, a matching colored caulk on the outside and two (2) weld plates 6" long per wall.
- B. Painting/Staining
1. An appropriate curing time is allowed before paint is applied to concrete.
 2. Some applications may require acid etching. A 30% solution of hydrochloric acid are used, flushed with water, and allowed to thoroughly air dry.
 3. Painting will not be done outside in cold, frosty, or damp weather.
 4. Painting will not be done outside in winter unless the temperature is 50°F or higher.
 5. Painting will not be done in dusty areas.
 6. All surface voids are filled prior to painting.
 7. Schedule of finishes.
 - a. Inside concrete surfaces.
 - i. Inside floors – one (1) coat of 1-part water based chemical resistant urethane.
 - ii. Interior walls and ceilings – two (2) coats of a modified acrylic, water repellent penetrating stain, followed by one (1) coat of clear sealer.
 - b. Exterior concrete surfaces.
 - i. Exterior walls – two (2) coats of water repellent penetrating stain in the same color as the walls or roof followed by one (1) coat of clear acrylic anti-graffiti sealer.
 - c. Metal surfaces (both inside and out).
 - i. Two (2) coats of DTM ALKYD.

8.0 TESTING

- A. Testing will only be performed by qualified individuals who have been certified ACI Technician Grade 1.
- B. Sampling is in accordance with ASTM C172.
- C. The following tests are performed on concrete used in the manufacture of toilets. All testing is performed in the CXT (PCI certified) laboratories.
 1. Air content – checked per ASTM C231 on the first batch of concrete. The air content is in the range of 5.0% +/- 1.5%.
 2. Compressive strength of the cylinders – tested to ASTM C39.
 - a. Two (2) are tested at release (minimum strength of 2500 psi).
 - b. One (1) is tested at seven (7) days (minimum strength of 4500 psi).
 - c. Two (2) are tested at 28 days (minimum strength of 5000 psi).
- D. A copy of all test reports are available to the customer as soon as 28-day test results are available.

9.0 INSTALLATION

- A. Scope of Work
 1. Work specified under this section includes excavation, backfill and placement of precast concrete vault toilet.

- B. Materials
 - 1. Bedding material to be sand or ¾" minus crushed or screened aggregate.
 - 2. Caulking between vault and toilet floor to be 1" x 1" Butyl tape designed specifically to bond precast concrete to precast concrete.
- C. Location – it is the responsibility of the customer to:
 - 1. Provide exact location by stakes or other approved method.
 - 2. Provide clear and level site free of overhead and/or underground obstructions.
 - 3. Provide access to the site for truck delivery and sufficient area for the crane to install and the equipment to perform the contract requirements.
- D. Access to Site
 - 1. Delivery to site made on normal highway trucks and trailers.
 - 2. If, at the time of delivery, conditions of access are hazardous or unsuitable for truck and equipment due to weather, physical constraints, roadway width or grade, CXT may require an alternate site with better access provided to ensure a safe and quality installation.
- E. Excavation and Elevation
 - 1. Comply with all applicable OSHA standards for excavation.
 - 2. Excavate for the installation of the toilet vault to a depth that will allow the structure site to be free draining after installation is completed. Allow for a 2" leveling course beneath the toilet vault. Stockpile topsoil in a separate pile at sites.
 - 3. Finish floor elevation is 4-6" above natural grade measured at the front (entrance) of the exterior slab unless otherwise approved by the customer. Ideally, the back of the building should be slightly higher to allow water to freely drain out of the toilet rooms. The customer may specify a finish floor elevation for buildings at some sites. The contractor will install buildings at these sites with the floor elevation within a plus or minus 0.05' of the specified floor elevation.
 - 4. No excavation is to be left open more than seven (7) days unless otherwise approved by the customer.
 - 5. All excavations left open overnight are fenced with wire mesh or plastic mesh fence secured to steel posts all around the excavation.
 - a. The bottom of the fence will generally follow the contour of the ground.
 - b. Maximum spacing of the steel posts is 10'.
 - c. Minimum height of the fence is 36".
- F. Backfill and Compaction
 - 1. Compact the natural ground at the bottom of the vault excavation with a minimum of three (3) passes with a whacker-type mechanical compactor or equivalent approved by the customer.
 - 2. Install sand or aggregate bedding material for leveling course if needed. Compact leveling course with one (1) pass with a whacker-type mechanical tamper or equivalent approved by the customer. Grade leveling course so there are no high spots in the middle of the vault bottom. Compact with a second pass with a whacker or approved equivalent tamper.

3. Set vault in place and check for level or appropriate scope. Backfill around structure. Use excavated material for backfill except those rocks larger than 6" in maximum dimension shall not be placed within 6" of the exterior vault walls.
4. Fill, adjacent to the building entry, will have excavated material placed in 8" loose lifts and compacted with a minimum of two (2) passes with a whacker-type mechanical compactor of equivalent approved by the customer.

G. Finish Grading

1. Spread excess excavated material from the vault around structure. Intended final grade is flush with the top of the front slab. Allow for placement of topsoil to reach that grade. Grade backfill away from structure at maximum slope of 5% unless otherwise approved by the customer.
2. Spread stockpiled topsoil as final layer after rough grading is completed. Areas disturbed by excavation, backfilling and stockpiling of excavated materials are hand raked to remove exposed rocks over 1" in maximum dimension.
3. Oversized rocks removed from the surface shall be disposed of in a designated area within 200' of the site.

H. Exhaust Pipe Installation

1. After exhaust pipe is installed, seal around pipe at top and underside of roof with polyurethane caulk. Seal around pipe at top of slab are accomplished by using polyurethane caulk.

10.0 WARRANTY—PRECAST DIVISION

CXT provides a warranty against defects in material or workmanship for a period of twenty (20) years on all concrete components. The warranty is valid only when concrete is used within the specified loadings. Furthermore, said warranty includes only the related material necessary for the construction and fabrication of said concrete components. All other non-concrete components will carry a one (1) year warranty. CXT warrants that all goods sold pursuant hereto will, when delivered, conform to specifications set forth above. Goods shall be deemed accepted and meeting specifications unless notice identifying the nature of any non-conformity is provided to CXT in writing within the specified warranty. CXT, at its option, will repair or replace the goods or issue credit for the customer provided CXT is first given the opportunity to inspect such goods. It is specifically understood that CXT's obligation hereunder is for credit, repair, or replacement only, F.O.B. CXT's manufacturing plants, and does not include shipping, handling, installation or other incidental or consequential costs unless otherwise agreed to in writing by CXT.

This warranty shall not apply to:

1. Any goods which have been repaired or altered without CXT's express written consent, in such a way as in the reasonable judgment of CXT, to adversely affect the stability or reliability thereof;
2. To any goods which have been subject to misuse, negligence, acts of God or accidents; or
3. To any goods which have not been installed to manufacturer's specifications and guidelines, improperly maintained, or used outside of the specifications for which such goods were designed.

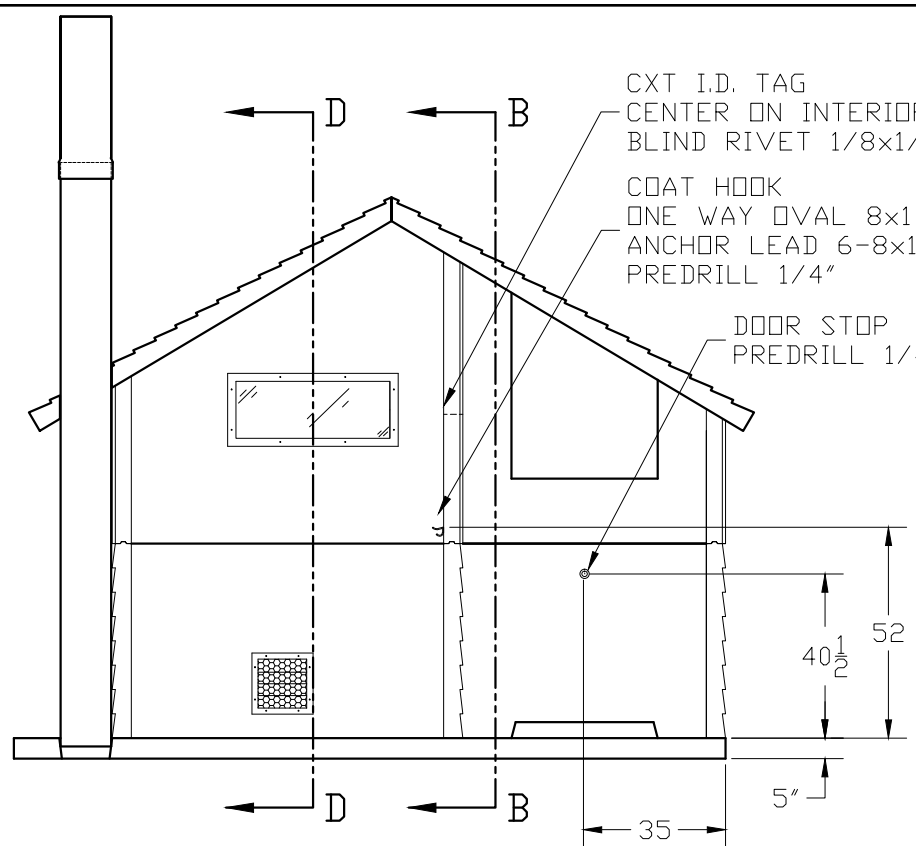
11.0 DISCLAIMER OF OTHER WARRANTIES

The warranty set forth above is in lieu of all other warranties, express or implied. All other warranties are hereby disclaimed. CXT makes no other warranty, express or implied, including, without limitation, no warranty of merchantability of fitness for a particular purpose or use.

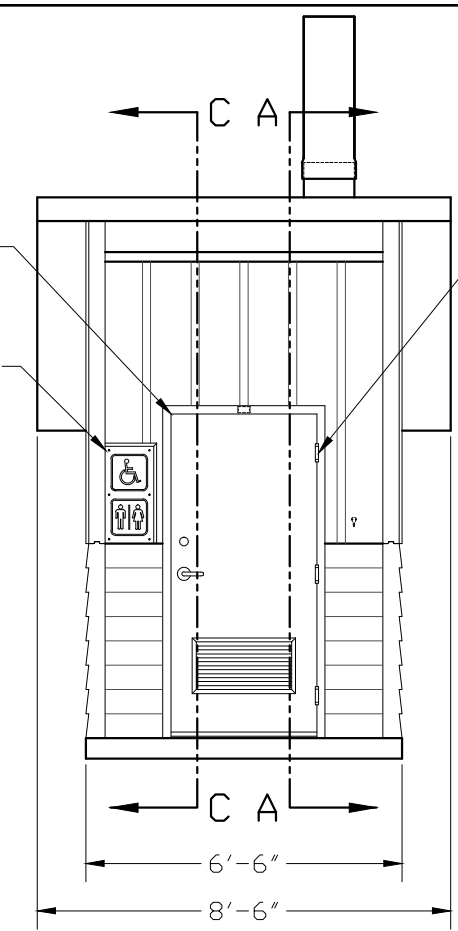
12.0 LIMITATION OF REMEDIES

In the event of any breach of any obligation hereunder, breach of any warranty regarding the goods or any negligent act or omission or any party, the parties shall otherwise have all rights and remedies available at law; however, IN NO EVENT SHALL CXT BE SUBJECT TO OR LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES.

Exhibit 15B

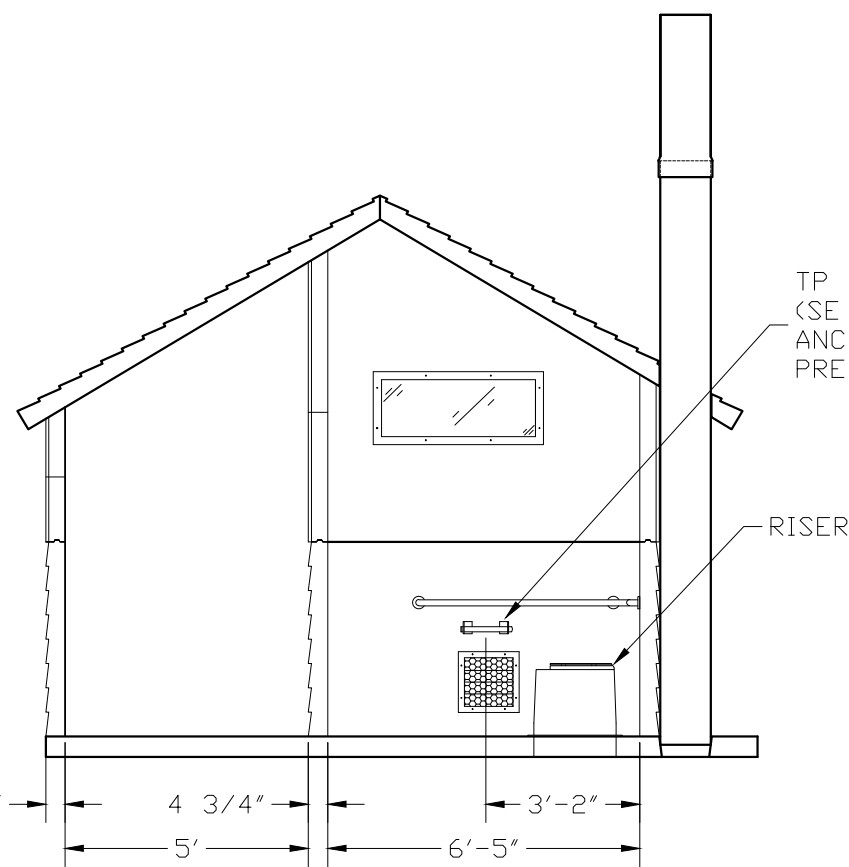


SECTION A - A

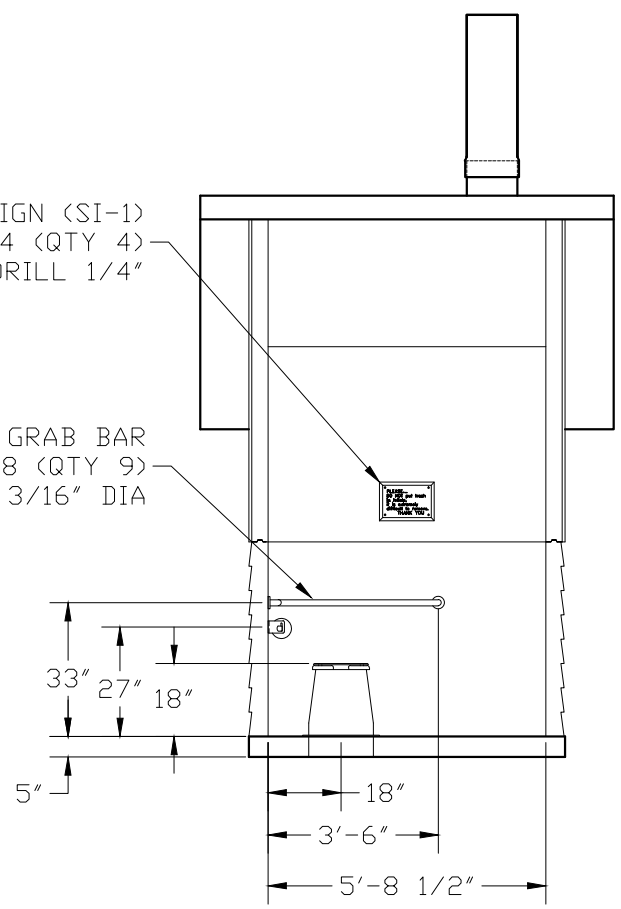


SECTION B - B

FOR REFERENCE ONLY



SECTION C - C



SECTION D - D

ITEM	QTY	DESCRIPTION	QTY
RISER	1	ONE WAY OVAL 8x1 1/4	2
GRAB BAR	1	ANCHOR LEAD 6-8x1	2
TP DISPENSER	1	BLIND RIVET 1/8x1/4	2
TOILET PAPER ROLL	2-3	3068 DOOR ASSEMBLY	1
COAT HOOK	1	SPRING HINGE 4.5x4.5	3
DOOR STOP	1		
SI-1	1		
SI-2	1		
CXT I.D. TAG	1		
ANCHOR NAIL 1/4x1	6		
ANCHOR NAIL 1/4x3/4	10		
ANCHOR NAIL 3/16x7/8	9		
CU. FT. CONC.		SQ. FT. W.W.F.	APPROXIMATE WEIGHT



PROJECT TITLE
CASCADIAN RIGHT HAND
CXT STANDARD BUILDING

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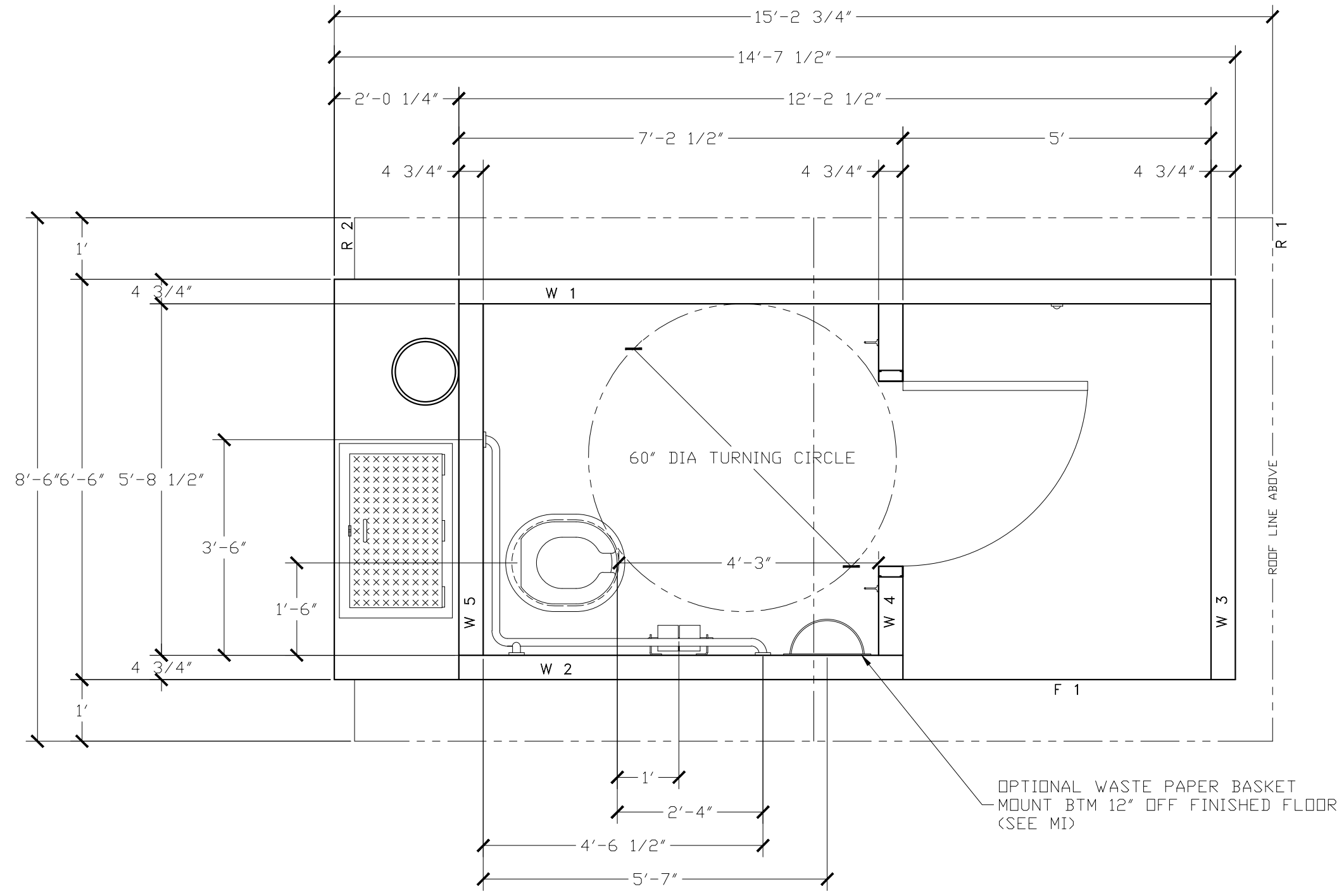
CXT Incorporated

REV.	DESCRIPTION	APPROVAL	DATE
SCALE	1/4"=1'-0"	DATE	07-19-16
DRAWN	FILE NO.	PD-C03	
CHECKED	PLOT	48	

INTERIOR ELEVATIONS

DWG NO.	SHEET	REV.
C-03		

Exhibit 15B



FOR REFERENCE ONLY



PROJECT TITLE
CASCADIAN RIGHT HAND
 CXT STANDARD BUILDING

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CXT Incorporated			

REV.	DESCRIPTION	APPROVAL	DATE
SCALE	1/2"=1'-0"	DATE	07-19-16
DRAWN		FILE NO.	PD-C04
CHECKED		PLOT	24

FLOOR PLAN

DWG NO.	SHEET	REV.
C-04	/	



July 16, 2018

File No. 22.08.11

Matthew Trujillo, Coastal Program Analyst II
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

Re: Response to questions from email dated July 6, 2018

Dear Mr. Trujillo,

I am following up on your email to me dated July 16, 2018, regarding questions related to the recently proposed Starkweather Park restroom relocation. Please find the answers to these questions below.

1. Does the City intend to remove the existing restroom and replace it with the new one, or will the new restroom be located outside the footprint of the existing restroom?

The City intends to locate the new restroom adjacent to the existing facility in a location that is approved by BCDC. The existing restroom would be removed after construction of the new restroom was complete. Removing the restroom after will help expedite the construction of the new restroom.

2. How long will it take to complete the project? Will the City continue to provide restroom facilities until the new restroom is up and running?

The City anticipates that it will take about 6 months from approval from BCDC to construct the restroom. The City has been and will continue to provide a temporary restroom facility until the new restroom is constructed and operable.

3. Does the City intend to provide full-time access to the new restroom or will it request restrictions on the hours of use?

The City will request restricted hours to the bathroom as allowed under permit amendment number 5. If approved by BCDC, the City would restrict the use of the bathroom to the same hours as the park. While the hours of operation have not been approved, something similar to sunrise to sunset would be requested.

4. What would be the City's maintenance and security plan for the new restroom? Would the restroom need to be closed for maintenance (including emptying the vault)? If so, how often and for how long?

The City would maintain the restroom at the same schedule the other restrooms in the City are maintained. Currently that is twice a week cleaning on Mondays and Fridays. City of San Rafael Police Department will continue to patrol the restrooms as they currently do. If limited hours are approved the City would install automated timed locks on the restrooms to ensure security when the park is closed. We do not anticipate that the restroom would need to be closed when the vault is being emptied. How often the vault will be pumped will be determined based on usage. The City does not currently operate any other vault restrooms so we cannot estimate how often they would need to be pumped but will work with the pumping operator to pick an appropriate schedule.

5. Please include details of the proposed public access signage at the restroom and throughout the site (sign templates and guidelines are available to download from the Library at our website). Please include a phone number for the public to call the City in cases of emergency, which includes irregular maintenance and cleaning when needed.

The City would place a BCDC approved restroom sign on the new restroom. BCDC approved restroom with arrow signs would be installed at public access points or where recommended by BCDC staff. This let users know there is a restroom in the park and would assist them in finding it. A sign with the City of San Rafael Public Works main telephone number will be provided on the restroom and indicate that all maintenance inquires can be directed to that number (415) 485-3355.

6. What about hand-washing facilities?

It is the City's understanding that a hand-washing facility would not be required as part of the permit. Can you please clarify if this would be a requirement and if so, would hand sanitizers be an approved type of hand washing facility?

7. Please explain the rationale for replacing the plumbed restroom with an unplumbed restroom. How is the proposed facility superior to the existing facility? Why is the proposed facility preferable to the existing facility for the purposes of maximizing public access?

The proposed facility would be superior to the existing temporary facility currently in use. The proposed facility would not only look aesthetically better but would have a large capacity than the temporary restroom currently in use. The construction of the new restroom would provide a long term permanent solution while allowing the City the flexibility to continue to work with the co-permittee to develop a plumbed facility along the park in the future. The co-permittee has discussed with the City this possibility but there is no definitive timeline currently for this process.

The proposed facility will be more inviting to use than a portable restroom. The City has received feedback from residents that some avoid using portable restrooms in general. This may prohibit some residents and users from accessing the park. The permanent proposed facility would eliminate this barrier and allow more users to feel comfortable spending more time at the park.

8. We would also be concerned about flooding and what would happen to the vault if the cleanout access hatch is flooded. Please provide the proposed grading elevations and explain how the vault toilet and the building would be resilient and adaptive for flooding.

The City currently has not developed the elevations for the project. The City will work with BCDC to ensure the elevation is sufficient to prevent flooding. Historically, The City will also explore options like a sealed hatch or installing a collar to raise the height of the hatch to ensure that waters could not enter the vault. Historically, the City has not recorded any past flooding at the existing restroom locations but will reference data from sources like adapttorisingtides.org to help determine an evaluation that will be resilient to sea level rise over the estimated life of the facility.

If you have questions or comments please contact me at 415-458-5360 or at thomas.wong@cityofsanrafael.org.

Sincerely,



Thomas Wong
Junior Engineer

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

August 15, 2018

City of San Rafael
Department of Public Works
c/o Thomas Wong
111 Morphew Street
San Rafael, California 94901

Dear Mr. Wong:

Thank you for submitting the City of San Rafael's proposal, dated June 28, 2018, to install a vault toilet at Starkweather Park to replace the two existing restrooms. The beach at Starkweather Park is a favored staging area for local windsurfers and the shoreline trail is popular with dogwalkers and pedestrians. BCDC staff expects that the site will become even more heavily trafficked by pedestrians, cyclists and non-motorized watercraft users when CalTrans installs the bicycle/pedestrian lane on upper deck of the Richmond-San Rafael Bridge and the site becomes a designated San Francisco Bay Water Trail site. Both events are planned to occur in the near future.

The City proposes to install a new toilet facility adjacent to the existing restroom structure and remove the existing structure immediately following the construction of the facility. You state that the entire project is anticipated to take six months to complete, and the City will continue to maintain a portable toilet and handwashing station at the site until the new facility is completed. You indicate that the City will request BCDC's authorization to impose night time restrictions on the hours of use of the new facility, and, if use restrictions are granted, the City will install an automatic timed lock on the toilet door. The facility will be cleaned twice weekly on Mondays and Fridays, and a sign on the toilet with the telephone number of the Public Works Department will be placed on the toilet so that members of the public may call to request additional maintenance or report other problems as needed. To maintain security, the police department will regularly patrol this section of Starkweather Park, including the toilet. To ensure the elevation of the new facility is sufficient to prevent flooding, the City will seek input from BCDC staff and adopt appropriate design measures to seal the vault hatch from floodwaters.

BCDC staff is generally in favor of your proposal, however, additional measures must be taken to ensure that the proposed structure provides the same or better public benefit as the existing staff-approved restroom was intended to provide. The approved plans entitled, "Public Restrooms San Rafael Bay Park," prepared by Roots Construction Company, dated July 1984, and approved by staff on July 27, 1984, require two restrooms, each equipped with a plumbed toilet and handwashing basin, and a plumbed urinal in the men's room. The current proposal is for a single, unplumbed, ADA-compliant vault toilet and no handwashing basin. As proposed, the public

Thomas Wong
City of San Rafael
August 15, 2018
Page 2

benefit provided by the structure is less than the restroom that was approved and contemplated by the BCDC permit in 1984. Therefore, please propose an additional public amenity or amenities that will offset the 50% reduction in the available number of toilets and basins, and the loss of the urinal; for example, a dog-friendly drinking fountain equipped with a water bottle filling station.

Upon receipt of your proposal, I conducted some research and determined that a restroom, as required by the permit, must include a wash basin.¹ You suggested substituting a wash basin with a hand sanitizer dispenser, but BCDC staff does not believe that hand sanitizer is an acceptable alternative to a wash basin. Studies have shown that hand sanitizer is not always effective under the following situations: 1) where it is not used as directed by the manufacturer: for instance, using an inadequate amount needed to kill germs or wiping off one's hands before the substance has dried; 2) if it does not contain appropriate, targeted anti-microbial agents; 3) when used on heavily or visibly soiled hands, such as after handling food, playing in the sand or dirt, fishing, doing sports, or where feces is present; 4) when used to prevent the spread of certain viruses, bacteria, and parasites that tend to originate in the intestines or colon, such as enterovirus, norovirus, c. difficile and cryptosporidium; and 5) when used to clean one's hands after chemical exposure. Additionally, the most effective hand sanitizers contain 60% to 95% alcohol concentration, which people are increasingly ingesting to become intoxicated, and can result in alcohol poisoning.² Since the City has expressed grave concern for public safety at this site, surely it will be willing to provide a suitable handwashing basin at the new facility. Therefore, please modify the proposal to include a handwashing facility.

In addition to your proposal for handwashing and additional public access amenities, please include specific details about the siting of the new facility, keeping in mind the need to preserve to the extent feasible, or replace on a one-to-one basis, existing Bay views (you may consider this aspect of the plan with respect to the removal of the existing building). Please include a landscaping plan for the footprint of the existing building and the temporary toilet and handwashing station. The proposed landscaping palette should be consistent with the existing approved landscaping plan.

Best Regards,



Matthew Trujillo
Coastal Program Analyst II
mtrujillo@bcdc.ca.gov
(415) 352-3633

MT/jk
cc: Brad McCrea, BCDC Regulatory Director

¹ www.m-w.com, www.dictionary.com

² www.cdc.gov/handwashing/show-me-the-science-hand-sanitizer.html

From: [Thomas Wong](#)
To: [Fabiola Guillen-Urfer](#)
Subject: Fwd: Starkweather Park Restroom Status Update
Date: Monday, January 29, 2024 10:53:14 PM
Attachments: [image001.png](#)
[Outlook-DPW_Logo -.png](#)
[Shoreline Park Restroom - City of San Rafael_19June2019.pdf](#)

Get [Outlook for Android](#)

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Friday, August 2, 2019 1:27:29 PM
To: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdcc.ca.gov>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Please find attached the plans for the interior remodel of the bathroom as well as the addition of an exterior drinking fountain. We had previously discussed a wash station or similar but our consultant advised that it would be difficult to do behind the structure due to ADA requirements. In lieu of that we have detailed two ADA drinking fountains in front of the bathroom. Please let me know what else we need to do to start the review process with your staff.

Thanks,
Thomas

Thomas Wong | [City of San Rafael](#)
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



**DEPARTMENT OF
PUBLIC WORKS**

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdcc.ca.gov>
Sent: Friday, May 31, 2019 9:25:58 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Thanks, Thomas.

Best Regards,

MATTHEW TRUJILLO
Acting Principal Enforcement Analyst
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdc.ca.gov
<http://bcdc.ca.gov/enforcement>

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Date: Friday, May 31, 2019 at 9:11 AM
To: "Trujillo, Matthew@BCDC" <Matthew.Trujillo@bcdc.ca.gov>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Just to give you a quick update after we last spoke. We just signed a contract to have our architects complete exterior elevations as well as design for a fountain. We are hoping to have the complete set of plans done and submitted by the end of next month, nearly entirely dependent on our architects availability. I will let you know when we are ready to submit.

Thanks,
Thomas

Thomas Wong | City of San Rafael
Junior Engineer
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



DEPARTMENT OF
PUBLIC WORKS

From: Thomas Wong
Sent: Wednesday, May 22, 2019 9:19:27 AM
To: Trujillo, Matthew@BCDC
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

We are indeed remodeling the existing bathroom. We hired an architect to design it and to make sure that all ADA requirements are met (see attached). They have furnished us a complete design and we are actively looking for a contractor. Like many of our other small projects in the City right now, we are having a difficult time finding anyone to do the job. We are working to try and group a few small projects together to hopefully entice someone to take on the project. At the same time we are meeting to discuss whether or not we have the capacity within the city, to have one of our facilities crews do the remodel.

While we continue to find a contractor, we are also working with our co-permittee to resolve some easement issues regarding our sewer lateral that currently runs across their property.

We still anticipate that we will be able to complete the project this summer as previously planned and have continued to provide an ADA accessible bathroom onsite in the interim.

On a separate note, can you provide me any information regarding our amendment to the permit regarding reasonable hours? I believe the permit was amended and then we submitted a formal request but I did not receive a response on the outcome of the request to set reasonable park hours.

If you have any further questions please let me know.

Thanks,
Thomas

Thomas Wong | [City of San Rafael](#)
Junior Engineer
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



**DEPARTMENT OF
PUBLIC WORKS**

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Tuesday, May 21, 2019 3:31:43 PM
To: Thomas Wong
Subject: Starkweather Park Restroom Status Update

Hi Thomas,

Exhibit 15E

I am circling back with you to inquire about the status of the permanent restroom at Starkweather Park. When we last spoke, I was informed that the City would be reconditioning the existing restroom and opening it up for public use pursuant with the permit. What is the current status?

Best Regards,

MATTHEW TRUJILLO

Acting Principal Enforcement Analyst

BCDC Enforcement Unit

(415) 352-3633

Matthew.Trujillo@bcdc.ca.gov

<http://bcdc.ca.gov/enforcement>



CITY OF SAN RAFAEL
DEPARTMENT OF
PUBLIC WORKS

111 MORPHEW STREET,
SAN RAFAEL, CALIFORNIA 94901
TEL: (415)485-3355
FAX: (415)485-3334

PROJECT TITLE AND LOCATION

**ADA RENOVATION
PROJECTS
AT**

**CITY OF SAN RAFAEL
SHORELINE PARK PATHWAY
RESTROOM**

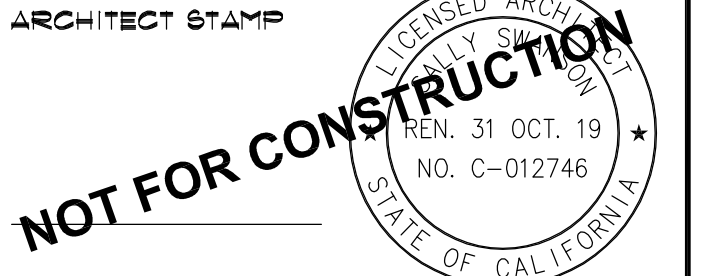
2171 E FRANCISCO BLVD
SAN RAFAEL, CA 94901

COMMISSIONED ARCHITECT
Sally Swanson Architects, Inc.

500 Sansome St., Suite 410 2500 West Olive Ave., 5th Floor
San Francisco, CA 94111 Burbank, CA 91505
Tel: 415-445-3045 Tel: 818-575-2548

**Architecture
Planning
Accessible Design**

STAMPS/SEALS



DATE _____

CONSULTANT _____

STAMPS/SEALS

LOCAL AGENCY APPROVAL

ISSUES / REVISIONS

NO.	DESCRIPTION	DATE

SHEET TITLE:

COVER SHEET

PROJECT NO.: 18061.00 PROJECT ARCH: K.W.

DRAWN: T.M. CHECKED: K.W. & S.S.

SHEET NUMBER

G-0.1

DATE: 06.19.2019 SHEET: 1 OF 3

APPLICABLE CODES

- THE CALIFORNIA BUILDING CODE (CBC), 2016 EDITION.
- 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN
CHAPTER 4, PART 1, TITLE 24, C.C.R. ADMINISTRATIVE REQUIREMENTS
(PARTIAL LISTING ONLY)

DRAWING INDEX

GENERAL

- G-01 COVER SHEET
- G-03 ACCESSIBILITY DETAILS

ARCHITECTURAL

- A-21 DEMO + NEW FLOOR PLANS AND INTERIOR ELEVATIONS
- A-22 DEMO + NEW EXTERIOR ELEVATIONS

ABBREVIATIONS

BD.	BOARD	MIN.	MINIMUM	SIM.	SIMILAR
BLDG.	BUILDING	FRP	FIBER GLASS REINFORCE PANEL	S.S.	STAINLESS STEEL
CONC.	CONCRETE	(N)	NEW	STL.	STEEL
CONT.	CONTINUE	NTS	NOT TO SCALE	UON.	UNLESS OTHERWISE NOTED
(E)	EXISTING	O.C.	ON CENTER	V.I.F.	VERIFY IN FIELD
EW	EACH WAY	TYF.	TYPICAL	AL.	ALUMINUM
GALV.	GALVANIZED	W	WITH		
GI.	GALVANIZED IRON				
MAX.	MAXIMUM				

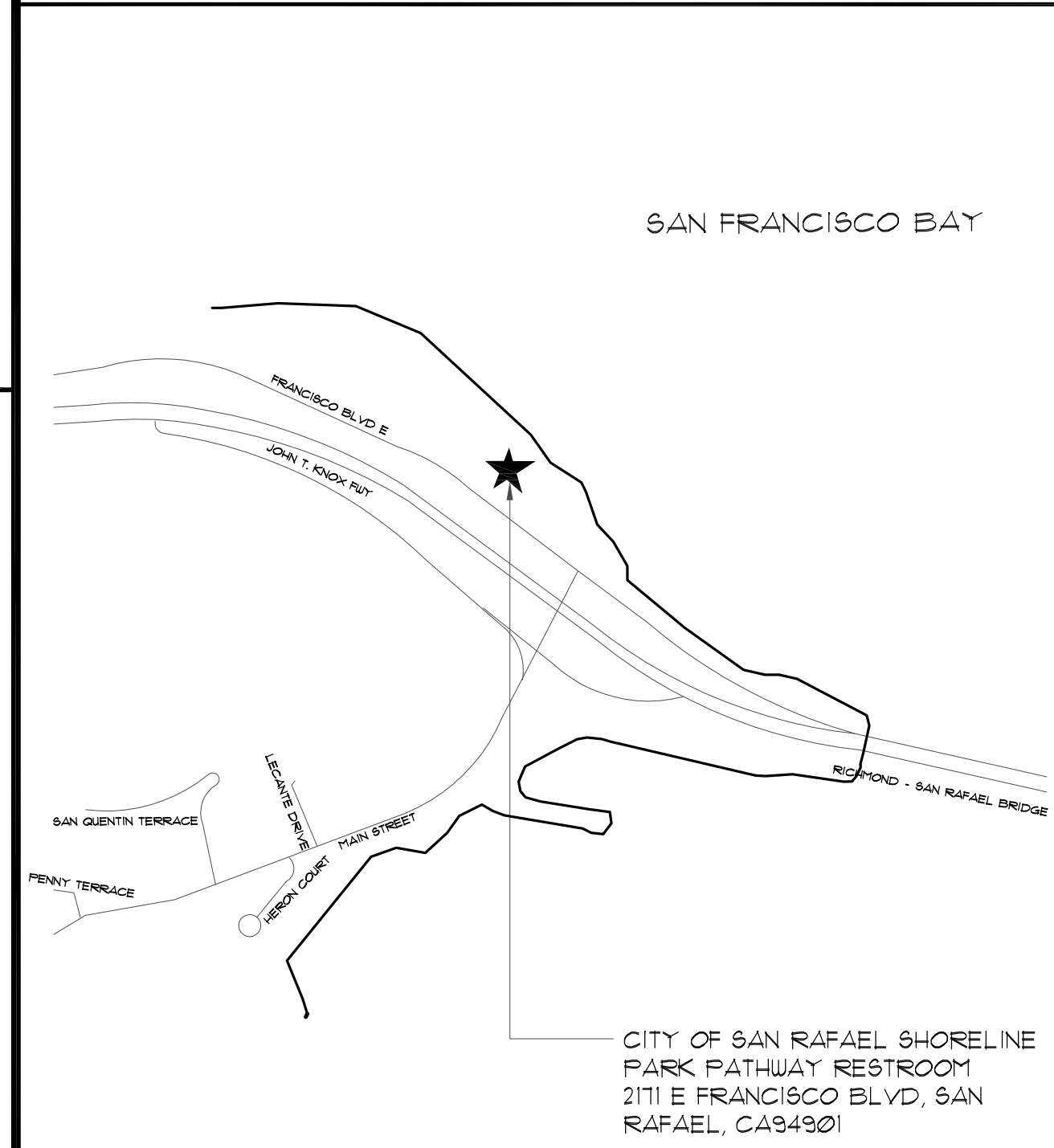
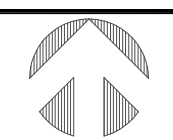
SCOPE OF WORK

1. PUBLIC RESTROOM BUILDING RENOVATION AT CITY OF SAN RAFAEL SHORELINE PARK.

**CITY OF SAN RAFAEL
SHORELINE PARK PATHWAY
RESTROOM BUILDING RENOVATION**

2171 E FRANCISCO BLVD, SAN RAFAEL, CA94901

AREA MAP



PROJECT TEAM

OWNER / CLIENT
CITY OF SAN RAFAEL
DEPARTMENT OF PUBLIC WORKS
111 MORPHEW STREET,
SAN RAFAEL, CA 94901

TEL: 415-485-3355
CONTACT: THOMAS WONG,
JUNIOR ENGINEER

ARCHITECT
SALLY SWANSON ARCHITECTS, INC.

500 SANSOME STREET, SUITE 410
SAN FRANCISCO, CA 94111
TEL: 415-445-3045

11755 WILSHIRE BLVD, SUITE 1250
LOS ANGELES, CA 90025
TEL: 310-575-2548

CONTACT: SALLY SWANSON, CEO

GENERAL NOTES

- THE INTENT OF THE CONTRACT DOCUMENTS FOR THIS PROJECT IS THAT THE WORK BE PERFORMED IN ACCORDANCE WITH THE CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 24 AND ALL OTHER FEDERAL OR STATE ORDINANCES, CODES AND REGULATIONS LISTED AS APPLICABLE. SHOULD UNANTICIPATED, NONCOMPLIANT EXISTING CONDITIONS BE DISCOVERED SUCH THAT THE WORK WHEN COMPLETED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS WOULD NOT CONFORM WITH CCR TITLE 24, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ARCHITECT BEFORE PROCEEDING. THE ARCHITECT WILL PREPARE AN ADDENDUM, CONSTRUCTION CHANGE DOCUMENT (CCD), OR NEW CONTRACT DOCUMENTS AS NECESSARY FOR SUBMISSION TO AND APPROVAL BY THE LOCAL GOVERNING AGENCY.
- THE WORD 'CONTRACTOR' AS USED IN THESE NOTES MEANS THE PERSON OR ENTITY OR THE AUTHORIZED REPRESENTATIVE OF THE PARTY DIFFERENT FROM THE OWNER WHOSE NAME APPEARS IN THE OWNER-CONTRACTOR AGREEMENT FOR PERFORMANCE OF THE WORK UNDER THE AGREEMENT.
- THE CONTRACTOR SHALL REVIEW THE CONTRACT DOCUMENTS AND COORDINATE THE WORK PRIOR TO COMMENCEMENT OF ANY PORTION OF THE WORK.
- THE CONTRACTOR SHALL VERIFY THE LOCATION OF EXISTING UNDERGROUND STORM DRAIN, WATER, GAS, AND ELECTRICAL LINES BEFORE PROCEEDING WITH ANY EXCAVATION.
- THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR PROJECT CONDITIONS AND FOR THE SAFETY OF ALL PERSONS AND/OR PROPERTY DURING PERFORMANCE OF THE WORK UNDER THE AGREEMENT.
- THE CONTRACTOR SHALL PROTECT ALL WORK, MATERIALS, AND EQUIPMENT (INCLUDING EXISTING FIRE ALARM, SECURITY AND DATA SYSTEMS) FROM DAMAGE FROM ANY CAUSE WHATSOEVER AND PROVIDE ADEQUATE AND PROPER STORAGE FACILITIES DURING PROGRESS OF THE WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING AND PATCHING SURFACES DAMAGED DURING CONSTRUCTION TO MATCH THEIR ORIGINAL CONDITION.
- IN GENERAL, DRAWINGS INDICATE DIMENSIONS, POSITION, PROFILE, AND KIND OF CONSTRUCTION. SPECIFICATIONS INDICATE MATERIAL QUALITIES AND METHODS. ANY WORK INDICATED ON THE DRAWINGS AND NOT MENTIONED IN THE SPECIFICATIONS, OR VICE VERSA, SHALL BE PROVIDED AS THOUGH FULLY SET FORTH IN BOTH. WORK NOT PARTICULARLY DETAILED, NOTED OR SPECIFIED SHALL BE THE SAME AS THE SIMILAR PARTS THAT HAVE BEEN DETAILED, NOTED OR SPECIFIED. IF CONFLICTS OCCUR BETWEEN DRAWINGS AND SPECIFICATIONS, THE BETTER QUALITY MATERIAL OR SYSTEM SHALL BE PROVIDED.
- LARGE SCALE DRAWINGS (SUCH AS 1/4" = 10' OR GREATER) SHALL TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS (SUCH AS UNUSUAL OVERALL BUILDING PLANS OR OTHER SCALES SUCH AS 1" = 20'). DETAILS TAKE PRECEDENCE OVER ALL SUCH PLAN OR ELEVATION DRAWINGS. IF THE CONTRACTOR FINDS CONFLICTS IN THE DRAWINGS, HE SHALL NOTIFY THE ARCHITECT IN WRITING AND OBTAIN CLARIFICATION BEFORE PROCEEDING WITH THE WORK IN QUESTION.
- DO NOT OBTAIN CONSTRUCTION DIMENSIONS BY MEASURING OR SCALING THE DRAWINGS. USE NUMERICAL DIMENSIONS NOTED ON THE DRAWINGS. OBTAIN DIMENSIONS NEEDED BUT NOT NOTED ON THE DRAWINGS FIRST BY ARITHMETIC. IF THE CONFLICTS ARISE, NOTIFY THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.
- SHOULD AN ERROR APPEAR IN THE DRAWINGS OR SPECIFICATIONS OR IN WORK DONE BY OTHERS WHICH AFFECTS THE WORK OF THIS PROJECT, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT AT ONCE AND IN WRITING. IF THE CONTRACTOR PROCEEDS WITH THE WORK SO AFFECTED WITHOUT HAVING GIVEN SUCH WRITTEN NOTICE AND WITHOUT RECEIVING THE NECESSARY DECISION OR INSTRUCTIONS FROM THE OWNER, THEN HE SHALL HAVE NO VALID CLAIM AGAINST THE CITY, ITS OFFICERS, EMPLOYEES, OR AGENTS. THE FOREGOING INCLUDES ERRORS IN THE DRAWINGS OR SPECIFICATIONS WHERE THE INTERPRETATION IS DOUBTFUL OR WHERE THE ERROR IS SUFFICIENTLY APPARENT AS TO PLACE A REASONABLY PRUDENT CONTRACTOR ON NOTICE THAT, SHOULD HE PROCEED, HE DOES SO AT HIS OWN RISK.
- FOR CONVENIENCE SPECIFICATIONS ARE SEPARATED INTO SECTIONS, BUT SUCH SEPARATION SHALL NOT BE CONSIDERED TO LIMIT THE WORK REQUIRED OF ANY SEPARATE TRADE. THE TERMS AND CONDITIONS OF SUCH SEPARATIONS AND LIMITATIONS ARE SOLELY BETWEEN THE CONTRACTOR AND HIS SUBCONTRACTORS.
- THE CONTRACT DOCUMENTS CONTAIN INFORMATION INTENDED TO CONVEY THE DESIGN INTENT. SUCH INFORMATION MAY NOT BE EXHAUSTIVE IN SCOPE OR TOTALLY COMPREHENSIVE IN DETAIL, NOR ALL INCLUSIVE OF THE MATERIALS AND LABOR REQUIRED TO PRODUCE THE PROJECT AS INTENDED. REFERENCE OF DRAWINGS IS FOR CONVENIENCE ONLY AND IS NOT INTENDED TO LIMIT THE APPLICATION OF ANY DRAWING OR DETAIL. TYPICAL DETAILS SHALL APPLY UNLESS SPECIFICALLY NOTED OTHERWISE. WHERE DETAILS ARE NOT SHOWN, DETAILS SIMILAR OR SAME AS TYPICAL SHALL APPLY.
- THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE MANAGEMENT OF HAZARDOUS MATERIALS THAT MAY BE ON THE SITE.
- THE ARCHITECT HAS NOT PERFORMED INVESTIGATIONS TO DETERMINE THE PRESENCE OF HAZARDOUS MATERIALS. UPON REQUEST, THE DISTRICT WILL PROVIDE THE RESULTS OF INVESTIGATIONS MADE BY THE DISTRICT'S CONSULTANT TO DETERMINE THE PRESENCE OF HAZARDOUS MATERIALS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT PERSONNEL WITHIN THE WORK AREA ARE PROTECTED FROM EXPOSURE TO HAZARDOUS MATERIALS. SHOULD HAZARDOUS MATERIALS BE DISCOVERED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY PROJECT MANAGER. THE DISTRICT WILL COORDINATE WITH ITS HAZARDOUS MATERIALS AND ABATEMENT CONSULTANTS AND ARRANGE FOR REMOVAL OF HAZARDOUS MATERIALS BY OTHERS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRAFFIC AND PEDESTRIAN CONTROL.
- ALL MATERIALS CALLED OUT IN THESE DRAWINGS ARE NEW AND ARE PROVIDED BY THIS CONTRACT UNLESS THEY ARE CALLED OUT AS EXISTING OR N.I.C.
- THE ARCHITECT MAKES EVERY EFFORT TO DESIGN AND PREPARE PLANS AND SPECIFICATIONS TO COMPLY WITH STATE AND FEDERAL STANDARDS, ACCESSIBILITY LAWS, CODES AND REGULATIONS. HOWEVER, THE AMERICANS WITH DISABILITIES ACT AND THE CALIFORNIA BUILDING CODE ARE SUBJECT TO VARIOUS AND POSSIBLY CONTRADICTORY INTERPRETATIONS. THESE PLANS AND SPECIFICATIONS REPRESENT THE ARCHITECT'S INTERPRETATION OF THE CBC ACCESSIBILITY STANDARDS AND ADA AS IT APPLIES TO THIS PROJECT, BUT IS NOT IN ANY WAY A WARRANTY OR GUARANTEE THAT SAID PLANS CONFORM WITH ANY OR ALL POSSIBLE INTERPRETATIONS OF THE CBC ACCESSIBILITY STANDARDS AND ADA BY OTHERS.
- DUE TO CONSTRUCTION ERA OF THE BUILDING, ASBESTOS MATERIALS MAY BE PRESENTED.
- FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION SHALL COMPLY WITH CFC CHAPTER 14 AND SAFETY DURING CONSTRUCTION WILL BE ENFORCED PER CBC CHAPTER 33.
- REPAIR OR PATCHING DETAIL FOR (E) DAMAGES OCCURRED DURING CONSTRUCTION SHALL BE SUBMITTED TO LOCAL AGENCY FOR APPROVAL.
- ALL WORK SHALL CONFORM TO 2016 EDITION TITLE 24, CALIFORNIA OF REGULATIONS (CCR)
- THE SCOPE OF WORK, CLEARLY INDICATED THE SCOPE OF WORK ON THE COVER SHEET OR GENERAL NOTE SHEET OF THE DRAWINGS.

Exhibit 16A

From: [Thomas Wong](#)
To: [Trujillo, Matthew@BCDC](mailto:Trujillo.Matthew@BCDC)
Subject: Re: Current Status of Restroom Project at Starkweather Park?
Date: Friday, May 15, 2020 9:54:55 AM

Our project manager got reassigned to help finish our public safety center (PD and Fire) when we had to let our whole PM consultant team go 2 months before completion... That project is supposed to wrap up next month so hopefully we'll have staffing available to start in July. Typically I would step in to fill the role but I have been working in our Emergency Operation Center daily since the start of the SIP. Definitely challenging times, but we'll find a way to get it done.

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Friday, May 15, 2020 9:47 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: Re: Current Status of Restroom Project at Starkweather Park?

Thanks, Thomas. Any guesstimate as to when the project might commence?

Best Regards,

MATTHEW TRUJILLO
Coastal Program Analyst II
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdc.ca.gov
<http://bcdc.ca.gov/enforcement>

San Francisco Bay Conservation and Development Commission
375 Beale St., Suite 510
San Francisco, CA 94105
FAX: (415) 352-3606
Main Number: (415) 352-3600
Business Days & Hours:
M-F 8:30a – 5:00p



From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Date: Friday, May 15, 2020 at 8:36 AM

Exhibit 16A

To: "Trujillo, Matthew@BCDC" <Matthew.Trujillo@bcdc.ca.gov>

Subject: Re: Current Status of Restroom Project at Starkweather Park?

Hi Matthew,

Due to the shelter-in-place order our original low bid contractor backed out because they did not have the staff to do it. We have pivoted to our second lowest bid and are working to get a contract in place with them. Due to the economic repercussions of this SIP we've had to let project management consultants on various projects go and redirect staff to fill their roles which has stretched us pretty thin. We are committed to retaining the funding required to complete this project and will provide an update when available.

I am attaching the two estimates that we received shortly before the SIP for your records.

We have also increased the number of times the portable restroom is serviced to twice a week during the SIP as well as placed numerous social distancing signs and other information within the park.

Best,

Thomas

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>

Sent: Thursday, May 14, 2020 11:27 AM

To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Subject: Re: Current Status of Restroom Project at Starkweather Park?

Hi Thomas,

Has there been progress on the restroom project since 3/25/20?

Best Regards,

MATTHEW TRUJILLO

Coastal Program Analyst II

BCDC Enforcement Unit

(415) 352-3633

Matthew.Trujillo@bcdc.ca.gov

<http://bcdc.ca.gov/enforcement>

San Francisco Bay Conservation and Development Commission

375 Beale St., Suite 510

San Francisco, CA 94105

FAX: (415) 352-3606

Main Number: (415) 352-3600

Business Days & Hours:

M-F 8:30a – 5:00p



From: "Trujillo, Matthew@BCDC" <Matthew.Trujillo@bcdc.ca.gov>

Date: Wednesday, March 25, 2020 at 1:16 PM

To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Subject: Re: Current Status of Restroom Project at Starkweather Park?

Thanks, Thomas.

Best Regards,

MATTHEW TRUJILLO

Coastal Program Analyst II

BCDC Enforcement Unit

(415) 352-3633

Matthew.Trujillo@bcdc.ca.gov

<http://bcdc.ca.gov/enforcement>

San Francisco Bay Conservation and Development Commission

375 Beale St., Suite 510

San Francisco, CA 94105

FAX: (415) 352-3606

Main Number: (415) 352-3600

Business Days & Hours:

M-F 8:30a – 5:00p



From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Date: Wednesday, March 25, 2020 at 1:14 PM

To: "Trujillo, Matthew@BCDC" <Matthew.Trujillo@bcdc.ca.gov>

Subject: Re: Current Status of Restroom Project at Starkweather Park?

Hi Matthew,

Exhibit 16A

I hope you are well. As we last discussed we were not satisfied with the bids we received in November and we rebid it. We were able to find a vendor that will be doing it for a rate that we find acceptable. We are drafting the agreement now and will be working with our Building Dept. to get the appropriate permits. I will update you once we have a signed agreement as well as the permit.

Best,
Thomas

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdca.gov>
Sent: Wednesday, March 25, 2020 9:53 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: Current Status of Restroom Project at Starkweather Park?

Hi Thomas,

What is the current status of this project?

Best Regards,

MATTHEW TRUJILLO
Coastal Program Analyst II
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdca.gov
<http://bcdca.gov/enforcement>

San Francisco Bay Conservation and Development Commission
375 Beale St., Suite 510
San Francisco, CA 94105
FAX: (415) 352-3606
Main Number: (415) 352-3600
Business Days & Hours:
M-F 8:30a – 5:00p



From: [Trujillo, Matthew@BCDC](mailto:Trujillo,Matthew@BCDC)
To: [Thomas Wong](mailto:Thomas.Wong@cityofsanrafael.org)
Cc: [Lavine, Ethan@BCDC](mailto:Lavine,Ethan@BCDC)
Subject: Re: Shoreline Park
Date: Wednesday, June 24, 2020 3:46:35 PM
Attachments: [PartialAssignmentApprovalLetter19860327.pdf](#)

Hi Thomas,

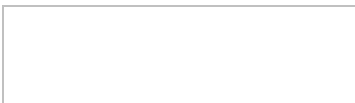
Thanks for reaching out. As you explore this possibility with Roots Construction, please note that the permit currently requires the assignment of the public access area to the city (which occurred in March 1986; see attached). Therefore, at a minimum, prior to relinquishing control of Starkweather Park to the permittee, the permit should have to be amended. Should these preliminary talks develop into anything more, please reach out to Permits staff to discuss your proposal further.

In the meantime, I trust these talks will not affect the City's current plans to restore the public restroom this summer. Are you still on track to start the work in July?

Best Regards,

MATTHEW TRUJILLO
Coastal Program Analyst II
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdc.ca.gov
<http://bcdc.ca.gov/enforcement>

San Francisco Bay Conservation and Development Commission
375 Beale St., Suite 510
San Francisco, CA 94105
FAX: (415) 352-3606
Main Number: (415) 352-3600
Business Days & Hours:
M-F 8:30a – 5:00p



From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Date: Wednesday, June 24, 2020 at 3:16 PM
To: "Trujillo, Matthew@BCDC" <Matthew.Trujillo@bcdc.ca.gov>
Subject: Shoreline Park

Hi Matthew,

I hope you are doing well. We have had some very informal conversations with our co-permittee about deeding the park/land back to them. The land would carry all the required easements and have the same rules and restrictions that are in force in our current agreement with you. The benefits to this for the City would be that they would take on the maintenance of the area and would provide additional security to the park. Both items they cannot currently do and both items that we believe would enhance the area and make it safer for all. The benefit to the co-permittee is that they would keep the park nicer than we currently do and can increase safety which both contribute to happier tenants there.

Again, this is in the very informal stages but we believe that there could be some very positive public benefit and would like BCDCs thoughts on the effort.

Thanks,
Thomas

Thomas Wong | **City of San Rafael**
Junior Engineer
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



**DEPARTMENT OF
PUBLIC WORKS**

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011

SAN FRANCISCO, CA 94102-6080

PHONE: (415) 557-3686



March 27, 1986

Mr. Joe Shekou
Roots Construction Company, Inc.
2175 Francisco Blvd.
San Rafael, CA 94901

SUBJECT: BCDC Permit No. 28-78, San Rafael Bay Park, San Rafael

Dear Mr. Shekou:

Recently you sent to Commission staff the partial assignment form, assigning in part BCDC Permit 28-78 to the City of San Rafael. Staff has reviewed and hereby approves the partial assignment for this permit. Completion of the partial assignment also satisfies Special Conditions II-B-1 and 2 and II-C of the permit which guarantees the public access area to be open to the public and the open space tidelands to be undeveloped.

Our records and a previous site inspection indicate that you are now in full compliance with the terms and conditions of BCDC Permit No. 28-78.

Thank you for your cooperation in completing an attractive public access area.

Sincerely,

A handwritten signature in cursive script that reads "Joan Lundstrom".

JOAN LUNDSTROM
Enforcement Analyst

JL:cg

cc: David Bernardi, Director of Public Works,
City of San Rafael

From: [Thomas Wong](#)
To: [Fabiola Guillen-Urfer](#)
Subject: Fwd: Starkweather Park Restroom Status Update
Date: Monday, January 29, 2024 10:53:10 PM
Attachments: [image001.png](#)
[image002.png](#)
[Outlook-DPW_Logo -.png](#)
[Stamped Set Shoreline Park Restroom City of San Rafael.pdf](#)

Get [Outlook for Android](#)

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Friday, October 18, 2019 5:07:11 PM
To: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Please find attached final drawings that have been stamped by the architect. They have incorporated the ADA compliant fountain/bottle filler as previously discussed. We recently added this project to another project that went out to bid but did not receive any bids that were satisfactory. We intend to rebid it shortly with the hopes of getting a more competitive bid. If we cannot get a bid that is within our budget we may have our own crews perform the work. I will keep you posted on the bidding process.

I am copying Faby, our Project Manager on the bathroom who will be coordinating the construction. Please include her in future correspondence as she will be able to answer any questions that may arise.

Best,
Thomas

Thomas Wong | **City of San Rafael**
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



**DEPARTMENT OF
PUBLIC WORKS**

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>

Sent: Thursday, August 29, 2019 2:10 PM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: RE: Starkweather Park Restroom Status Update

Great. In that case, the plans are approved on the condition that you amend the plans to include the water bottle/drinking fountain fixture and resubmit for final review.

Best Regards,

MATTHEW TRUJILLO
Enforcement Analyst
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdc.ca.gov

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Thursday, August 29, 2019 2:05 PM
To: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Yes, the City would be amenable to installing a dual water bottle/drinking fountain in front of the restroom.

Best,
Thomas

Thomas Wong | City of San Rafael
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



**DEPARTMENT OF
PUBLIC WORKS**

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Thursday, August 29, 2019 1:56:17 PM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: Starkweather Park Restroom Status Update

Hi Thomas,

Would the city be amenable to providing a water bottle filling station in combination with one of the drinking fountains? It should come in handy for bikers and urban hikers coming off the RSR Bridge on their way into San Rafael and beyond and for watersports-persons launching from or landing at the park.

Best Regards,

MATTHEW TRUJILLO
Enforcement Analyst
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdca.gov

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Friday, August 2, 2019 1:27 PM
To: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdca.gov>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Please find attached the plans for the interior remodel of the bathroom as well as the addition of an exterior drinking fountain. We had previously discussed a wash station or similar but our consultant advised that it would be difficult to do behind the structure due to ADA requirements. In lieu of that we have detailed two ADA drinking fountains in front of the bathroom. Please let me know what else we need to do to start the review process with your staff.

Thanks,
Thomas

Thomas Wong | **City of San Rafael**
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



**DEPARTMENT OF
PUBLIC WORKS**

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdca.gov>
Sent: Friday, May 31, 2019 9:25:58 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Thanks, Thomas.

Best Regards,

MATTHEW TRUJILLO
Acting Principal Enforcement Analyst
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdca.gov
<http://bcdca.gov/enforcement>

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Date: Friday, May 31, 2019 at 9:11 AM
To: "Trujillo, Matthew@BCDC" <Matthew.Trujillo@bcdca.gov>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Just to give you a quick update after we last spoke. We just signed a contract to have our architects complete exterior elevations as well as design for a fountain. We are hoping to have the complete set of plans done and submitted by the end of next month, nearly entirely dependent on our architects availability. I will let you know when we are ready to submit.

Thanks,
Thomas

Thomas Wong | **City of San Rafael**
Junior Engineer
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



**DEPARTMENT OF
PUBLIC WORKS**

From: Thomas Wong
Sent: Wednesday, May 22, 2019 9:19:27 AM
To: Trujillo, Matthew@BCDC
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Exhibit 17A

We are indeed remodeling the existing bathroom. We hired an architect to design it and to make sure that all ADA requirements are met (see attached). They have furnished us a complete design and we are actively looking for a contractor. Like many of our other small projects in the City right now, we are having a difficult time finding anyone to do the job. We are working to try and group a few small projects together to hopefully entice someone to take on the project. At the same time we are meeting to discuss whether or not we have the capacity within the city, to have one of our facilities crews do the remodel.

While we continue to find a contractor, we are also working with our co-permittee to resolve some easement issues regarding our sewer lateral that currently runs across their property.

We still anticipate that we will be able to complete the project this summer as previously planned and have continued to provide an ADA accessible bathroom onsite in the interim.

On a separate note, can you provide me any information regarding our amendment to the permit regarding reasonable hours? I believe the permit was amended and then we submitted a formal request but I did not receive a response on the outcome of the request to set reasonable park hours.

If you have any further questions please let me know.

Thanks,
Thomas

Thomas Wong | City of San Rafael
Junior Engineer
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Tuesday, May 21, 2019 3:31:43 PM
To: Thomas Wong
Subject: Starkweather Park Restroom Status Update

Hi Thomas,

I am circling back with you to inquire about the status of the permanent restroom at Starkweather Park. When we last spoke, I was informed that the City would be reconditioning the existing restroom and opening it up for public use pursuant with the permit. What is the current status?

Best Regards,

Exhibit 17A

MATTHEW TRUJILLO

Acting Principal Enforcement Analyst

BCDC Enforcement Unit

(415) 352-3633

Matthew.Trujillo@bcdc.ca.gov

<http://bcdc.ca.gov/enforcement>



CITY OF SAN RAFAEL
DEPARTMENT OF
PUBLIC WORKS

111 MORPHEW STREET,
SAN RAFAEL, CALIFORNIA 94901
TEL: (415)485-3355
FAX: (415)485-3334

PROJECT TITLE AND LOCATION

**ADA RENOVATION
PROJECTS
AT**

**CITY OF SAN RAFAEL
SHORELINE PARK PATHWAY
RESTROOM**

2171 E FRANCISCO BLVD
SAN RAFAEL, CA 94901

COMMISSIONED ARCHITECT
Sally Swanson Architects, Inc.

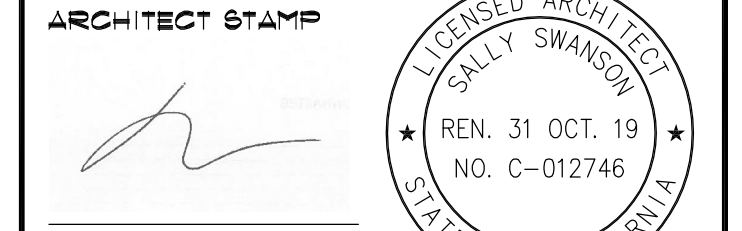
500 Sansome St, Suite 410 San Francisco, CA 94111
Tel: 415.445.3045

2600 West Olive Ave, 5th Floor
Burbank, CA 91505
Tel: 310.575.2548

800.533.8771 | TTY 711
ssa@swanarch.com

Architecture
Planning
Accessible Design

STAMPS/SEALS



DATE **09-25-2019**

CONSULTANT

STAMPS/SEALS

LOCAL AGENCY APPROVAL

ISSUES / REVISIONS

NO.	DESCRIPTION	DATE

SHEET TITLE:

COVER SHEET

PROJECT NO.: 18061.00 PROJECT ARCH: K.W.

DRAWN: T.M. CHECKED: K.W. & S.S.

SHEET NUMBER

G-0.1

DATE: 09.24.2019 SHEET: 1 OF 4

APPLICABLE CODES

- THE CALIFORNIA BUILDING CODE (CBC), 2016 EDITION.
- 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN
CHAPTER 4, PART 1, TITLE 24, C.C.R. ADMINISTRATIVE REQUIREMENTS
(PARTIAL LISTING ONLY)

DRAWING INDEX

- GENERAL**
- G-01 COVER SHEET
 - G-03 ACCESSIBILITY DETAILS
- ARCHITECTURAL**
- A-21 DEMO + NEW FLOOR PLANS AND INTERIOR ELEVATIONS
 - A-22 DEMO + NEW EXTERIOR ELEVATIONS

ABBREVIATIONS

BD.	BOARD	MIN.	MINIMUM	SIM.	SIMILAR
BLDG.	BUILDING	FRP	FIBER GLASS REINFORCE PANEL	S.S.	STAINLESS STEEL
CONC.	CONCRETE	(N)	NEW	STL.	STEEL
CONT.	CONTINUE	NTS	NOT TO SCALE	UON.	UNLESS OTHERWISE NOTED
(E)	EXISTING	O.C.	ON CENTER	V.I.F.	VERIFY IN FIELD
E.W.	EACH WAY	TYF.	TYPICAL	AL.	ALUMINUM
GALV.	GALVANIZED	W	WITH		
G.I.	GALVANIZED IRON				
MAX.	MAXIMUM				

SCOPE OF WORK

1. PUBLIC RESTROOM BUILDING RENOVATION AT CITY OF SAN RAFAEL SHORELINE PARK.

CITY OF SAN RAFAEL SHORELINE PARK PATHWAY RESTROOM BUILDING RENOVATION

2171 E FRANCISCO BLVD, SAN RAFAEL, CA94901

AREA MAP

PROJECT TEAM

OWNER / CLIENT
CITY OF SAN RAFAEL
DEPARTMENT OF PUBLIC WORKS
111 MORPHEW STREET,
SAN RAFAEL, CA 94901
TEL: 415-485-3355
CONTACT: THOMAS WONG,
JUNIOR ENGINEER

ARCHITECT
SALLY SWANSON ARCHITECTS, INC.
500 SANSOME STREET, SUITE 410
SAN FRANCISCO, CA 94111
TEL: 415-445-3045
11755 WILSHIRE BLVD, SUITE 1250
LOS ANGELES, CA 90025
TEL: 310-575-2548
CONTACT: SALLY SWANSON, CEO

GENERAL NOTES

- THE INTENT OF THE CONTRACT DOCUMENTS FOR THIS PROJECT IS THAT THE WORK BE PERFORMED IN ACCORDANCE WITH THE CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 24 AND ALL OTHER FEDERAL OR STATE ORDINANCES, CODES AND REGULATIONS LISTED AS APPLICABLE. SHOULD UNANTICIPATED, NONCOMPLIANT EXISTING CONDITIONS BE DISCOVERED SUCH THAT THE WORK WHEN COMPLETED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS WOULD NOT CONFORM WITH CCR TITLE 24, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ARCHITECT BEFORE PROCEEDING. THE ARCHITECT WILL PREPARE AN ADDENDUM, CONSTRUCTION CHANGE DOCUMENT (CCD), OR NEW CONTRACT DOCUMENTS AS NECESSARY FOR SUBMISSION TO AND APPROVAL BY THE LOCAL GOVERNING AGENCY.
- THE WORD 'CONTRACTOR' AS USED IN THESE NOTES MEANS THE PERSON OR ENTITY OR THE AUTHORIZED REPRESENTATIVE OF THE PARTY DIFFERENT FROM THE OWNER WHOSE NAME APPEARS IN THE OWNER-CONTRACTOR AGREEMENT FOR PERFORMANCE OF THE WORK UNDER THE AGREEMENT.
- THE CONTRACTOR SHALL REVIEW THE CONTRACT DOCUMENTS AND COORDINATE THE WORK PRIOR TO COMMENCEMENT OF ANY PORTION OF THE WORK.
- THE CONTRACTOR SHALL VERIFY THE LOCATION OF EXISTING UNDERGROUND STORM DRAIN, WATER, GAS, AND ELECTRICAL LINES BEFORE PROCEEDING WITH ANY EXCAVATION.
- THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR PROJECT CONDITIONS AND FOR THE SAFETY OF ALL PERSONS AND/OR PROPERTY DURING PERFORMANCE OF THE WORK UNDER THE AGREEMENT.
- THE CONTRACTOR SHALL PROTECT ALL WORK, MATERIALS, AND EQUIPMENT (INCLUDING EXISTING FIRE ALARM, SECURITY AND DATA SYSTEMS) FROM DAMAGE FROM ANY CAUSE WHATSOEVER AND PROVIDE ADEQUATE AND PROPER STORAGE FACILITIES DURING PROGRESS OF THE WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING AND PATCHING SURFACES DAMAGED DURING CONSTRUCTION TO MATCH THEIR ORIGINAL CONDITION.
- IN GENERAL, DRAWINGS INDICATE DIMENSIONS, POSITION, PROFILE, AND KIND OF CONSTRUCTION. SPECIFICATIONS INDICATE MATERIAL QUALITIES AND METHODS. ANY WORK INDICATED ON THE DRAWINGS AND NOT MENTIONED IN THE SPECIFICATIONS, OR VICE VERSA, SHALL BE PROVIDED AS THOUGH FULLY SET FORTH IN BOTH. WORK NOT PARTICULARLY DETAILED, NOTED OR SPECIFIED SHALL BE THE SAME AS THE SIMILAR PARTS THAT HAVE BEEN DETAILED, NOTED OR SPECIFIED. IF CONFLICTS OCCUR BETWEEN DRAWINGS AND SPECIFICATIONS, THE BETTER QUALITY MATERIAL OR SYSTEM SHALL BE PROVIDED.
- LARGE SCALE DRAWINGS (SUCH AS 1/4" = 10' OR GREATER) SHALL TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS (SUCH AS UNUSUAL OVERALL BUILDING PLANS OR OTHER SCALES SUCH AS 1" = 20'). DETAILS TAKE PRECEDENCE OVER ALL SUCH PLAN OR ELEVATION DRAWINGS. IF THE CONTRACTOR FINDS CONFLICTS IN THE DRAWINGS, HE SHALL NOTIFY THE ARCHITECT IN WRITING AND OBTAIN CLARIFICATION BEFORE PROCEEDING WITH THE WORK IN QUESTION.
- DO NOT OBTAIN CONSTRUCTION DIMENSIONS BY MEASURING OR SCALING THE DRAWINGS. USE NUMERICAL DIMENSIONS NOTED ON THE DRAWINGS. OBTAIN DIMENSIONS NEEDED BUT NOT NOTED ON THE DRAWINGS FIRST BY ARITHMETIC. IF THE CONFLICTS ARISE, NOTIFY THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.
- SHOULD AN ERROR APPEAR IN THE DRAWINGS OR SPECIFICATIONS OR IN WORK DONE BY OTHERS WHICH AFFECTS THE WORK OF THIS PROJECT, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT AT ONCE AND IN WRITING. IF THE CONTRACTOR PROCEEDS WITH THE WORK SO AFFECTED WITHOUT HAVING GIVEN SUCH WRITTEN NOTICE AND WITHOUT RECEIVING THE NECESSARY DECISION OR INSTRUCTIONS FROM THE OWNER, THEN HE SHALL HAVE NO VALID CLAIM AGAINST THE CITY, ITS OFFICERS, EMPLOYEES, OR AGENTS. THE FOREGOING INCLUDES ERRORS IN THE DRAWINGS OR SPECIFICATIONS WHERE THE INTERPRETATION IS DOUBTFUL OR WHERE THE ERROR IS SUFFICIENTLY APPARENT AS TO PLACE A REASONABLY PRUDENT CONTRACTOR ON NOTICE THAT, SHOULD HE PROCEED, HE DOES SO AT HIS OWN RISK.
- FOR CONVENIENCE SPECIFICATIONS ARE SEPARATED INTO SECTIONS, BUT SUCH SEPARATION SHALL NOT BE CONSIDERED TO LIMIT THE WORK REQUIRED OF ANY SEPARATE TRADE. THE TERMS AND CONDITIONS OF SUCH SEPARATIONS AND LIMITATIONS ARE SOLELY BETWEEN THE CONTRACTOR AND HIS SUBCONTRACTORS.
- THE CONTRACT DOCUMENTS CONTAIN INFORMATION INTENDED TO CONVEY THE DESIGN INTENT. SUCH INFORMATION MAY NOT BE EXHAUSTIVE IN SCOPE OR TOTALLY COMPREHENSIVE IN DETAIL, NOR ALL INCLUSIVE OF THE MATERIALS AND LABOR REQUIRED TO PRODUCE THE PROJECT AS INTENDED. REFERENCE OF DRAWINGS IS FOR CONVENIENCE ONLY AND IS NOT INTENDED TO LIMIT THE APPLICATION OF ANY DRAWING OR DETAIL. TYPICAL DETAILS SHALL APPLY UNLESS SPECIFICALLY NOTED OTHERWISE. WHERE DETAILS ARE NOT SHOWN, DETAILS SIMILAR OR SAME AS TYPICAL SHALL APPLY.
- THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE MANAGEMENT OF HAZARDOUS MATERIALS THAT MAY BE ON THE SITE.
- THE ARCHITECT HAS NOT PERFORMED INVESTIGATIONS TO DETERMINE THE PRESENCE OF HAZARDOUS MATERIALS. UPON REQUEST, THE DISTRICT WILL PROVIDE THE RESULTS OF INVESTIGATIONS MADE BY THE DISTRICT'S CONSULTANT TO DETERMINE THE PRESENCE OF HAZARDOUS MATERIALS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT PERSONNEL WITHIN THE WORK AREA ARE PROTECTED FROM EXPOSURE TO HAZARDOUS MATERIALS. SHOULD HAZARDOUS MATERIALS BE DISCOVERED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY PROJECT MANAGER. THE DISTRICT WILL COORDINATE WITH ITS HAZARDOUS MATERIALS AND ABATEMENT CONSULTANTS AND ARRANGE FOR REMOVAL OF HAZARDOUS MATERIALS BY OTHERS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRAFFIC AND PEDESTRIAN CONTROL.
- ALL MATERIALS CALLED OUT IN THESE DRAWINGS ARE NEW AND ARE PROVIDED BY THIS CONTRACT UNLESS THEY ARE CALLED OUT AS EXISTING OR N.I.C.
- THE ARCHITECT MAKES EVERY EFFORT TO DESIGN AND PREPARE PLANS AND SPECIFICATIONS TO COMPLY WITH STATE AND FEDERAL STANDARDS, ACCESSIBILITY LAWS, CODES AND REGULATIONS. HOWEVER, THE AMERICANS WITH DISABILITIES ACT AND THE CALIFORNIA BUILDING CODE ARE SUBJECT TO VARIOUS AND POSSIBLY CONTRADICTORY INTERPRETATIONS. THESE PLANS AND SPECIFICATIONS REPRESENT THE ARCHITECT'S INTERPRETATION OF THE CBC ACCESSIBILITY STANDARDS AND ADA AS IT APPLIES TO THIS PROJECT, BUT IS NOT IN ANY WAY A WARRANTY OR GUARANTEE THAT SAID PLANS CONFORM WITH ANY OR ALL POSSIBLE INTERPRETATIONS OF THE CBC ACCESSIBILITY STANDARDS AND ADA BY OTHERS.
- DUE TO CONSTRUCTION ERA OF THE BUILDING, ASBESTOS MATERIALS MAY BE PRESENTED.
- FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION SHALL COMPLY WITH CFC CHAPTER 14 AND SAFETY DURING CONSTRUCTION WILL BE ENFORCED PER CBC CHAPTER 33.
- REPAIR OR PATCHING DETAIL FOR (E) DAMAGES OCCURRED DURING CONSTRUCTION SHALL BE SUBMITTED TO LOCAL AGENCY FOR APPROVAL.
- ALL WORK SHALL CONFORM TO 2016 EDITION TITLE 24, CALIFORNIA OF REGULATIONS (CCR)
- THE SCOPE OF WORK, CLEARLY INDICATED THE SCOPE OF WORK ON THE COVER SHEET OR GENERALNOTE SHEET OF THE DRAWINGS.



**CITY OF SAN RAFAEL
DEPARTMENT OF
PUBLIC WORKS**

111 MORPHEW STREET,
SAN RAFAEL, CALIFORNIA 94901
TEL: (415)485-3355
FAX: (415)485-3334

PROJECT TITLE AND LOCATION

**ADA RENOVATION
PROJECTS
AT**

**CITY OF SAN RAFAEL
SHORELINE PARK PATHWAY
RESTROOM**

2171 E. FRANCISCO BLVD
SAN RAFAEL, CA 94901

COMMISSIONED ARCHITECT
Sally Swanson Architects, Inc.

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Tel: 415.445.3045

2600 West Olive Ave, 5th Floor
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Tel: 310.575.2548

800.533.8771 | TTY 711
ssa@swanarch.com

**Architecture
Planning
Accessible Design**

STAMPS/SEALS



DATE 09-25-2019

CONSULTANT

STAMPS/SEALS

LOCAL AGENCY APPROVAL

ISSUES / REVISIONS

NO.	DESCRIPTION	DATE

SHEET TITLE:

**ACCESSIBILITY
DETAILS**

PROJECT NO: 18061.00 PROJECT ARCH: K.W.

DRAWN: T.M. CHECKED: K.W. & S.S.

SHEET NUMBER

G-0.3

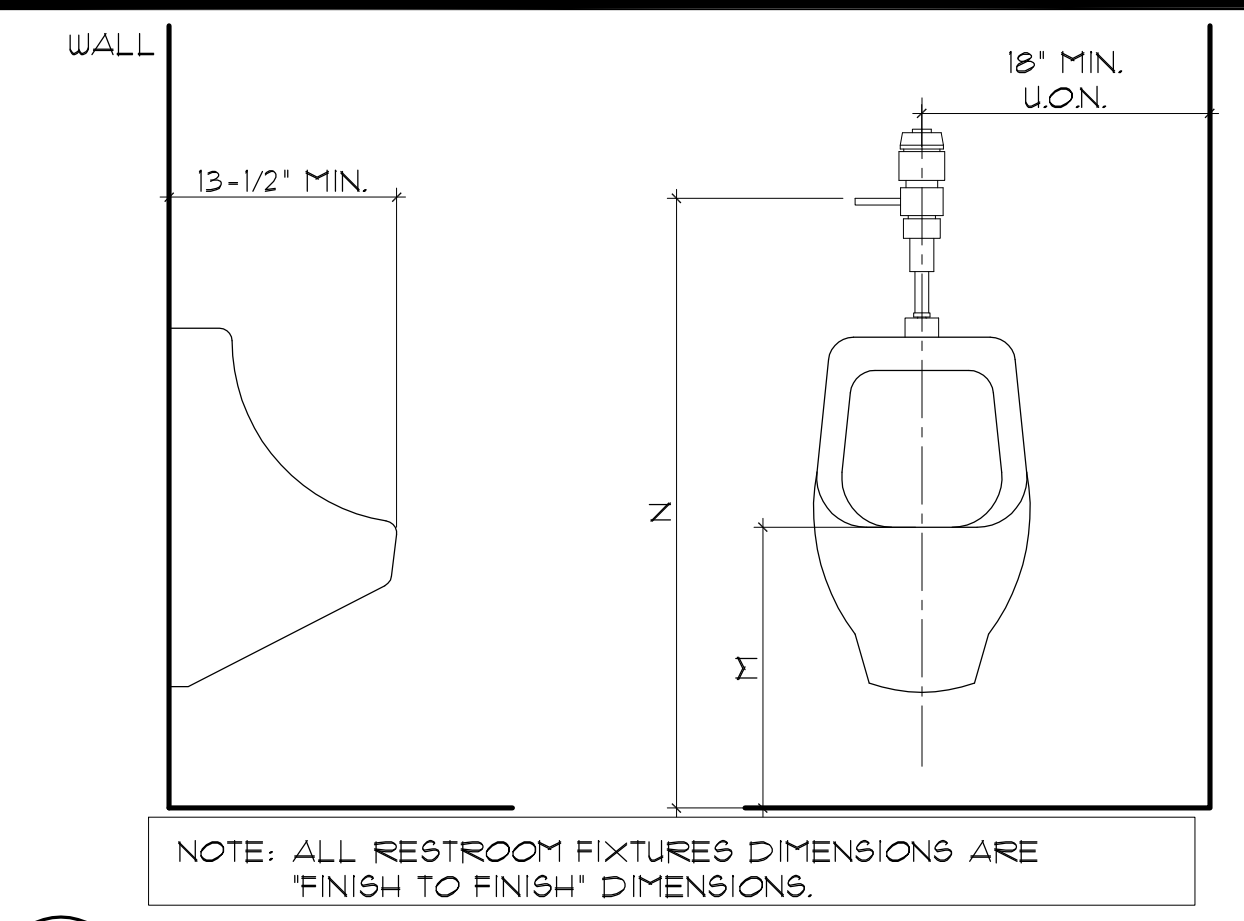
DATE: 09.24.2019 SHEET: 2 OF 4

GENERAL NOTES

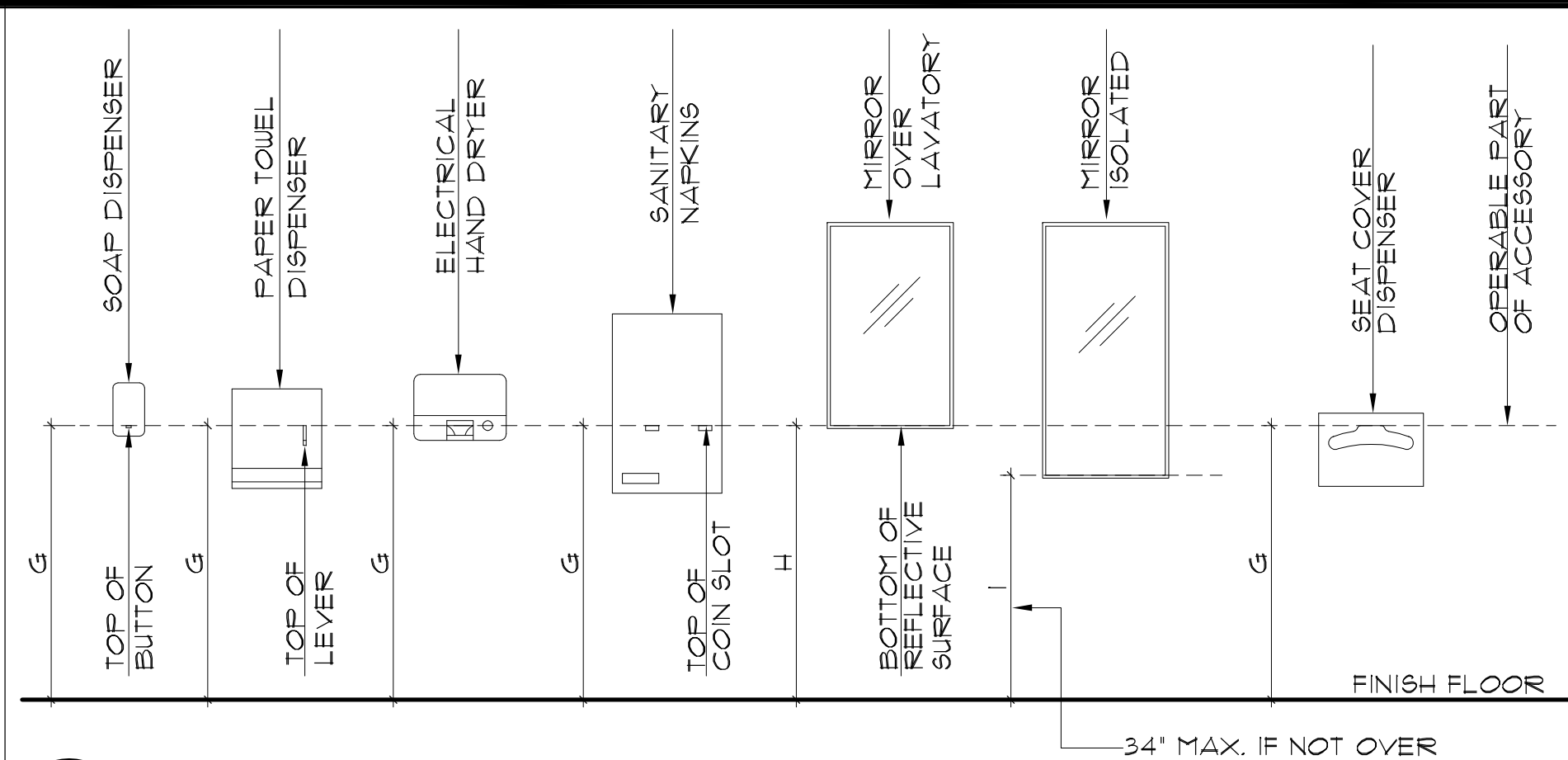
- ALL RESTROOM FIXTURES DIMENSIONS ARE 'FINISH TO FINISH' DIMENSIONS.
- RAISED LETTERS - COORDINATE FINAL ROOM NAME AND ROOM NUMBER WITH THE OWNER.
- ACTUAL PLAQUE LAYOUT AND NUMBERING TO BE VERIFIED BY OWNER PRIOR TO ORDER.
- TEXT AND PICTOGRAMS MUST CONTRAST WITH BACKGROUND OF SIGN, A MINIMUM OF 10% IS DESIRABLE. SIGN MUST HAVE A NON-GLARE FINISH.
- SIGN AND TACTILE TEXT SHOULD NOT HAVE SHARP OR ABRASIVE EDGES.

TABLE 1 - MOUNTING HEIGHT DIMENSIONS

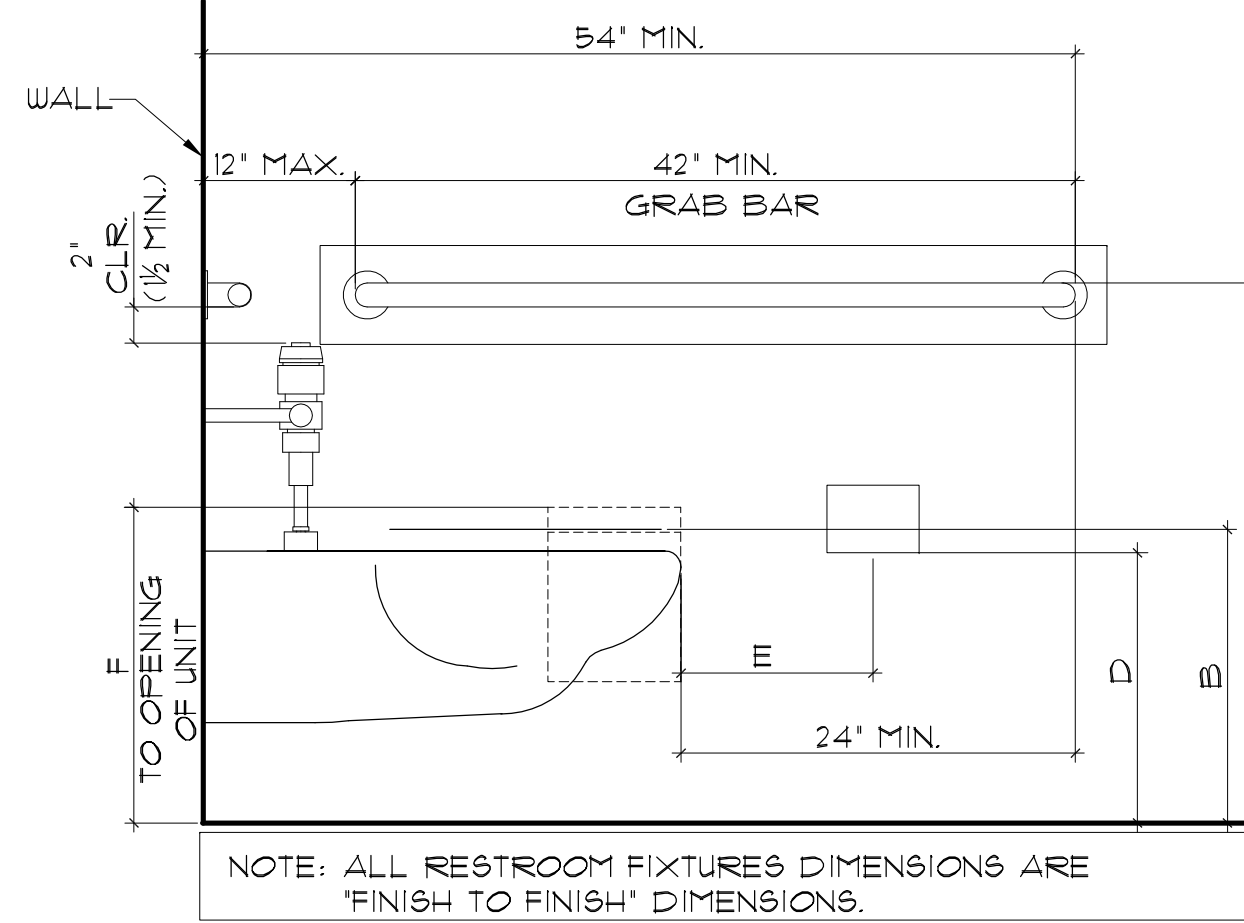
#	DESCRIPTION	RECOMMENDED
A	TOILET CENTERING FROM WALL (17 INCHES MIN. TO 18 INCHES MAX.)	17'-1/2"
B	TOILET SEAT HEIGHT/DIMENSION TO TOP OF SEAT (17 INCHES MIN. & 19 INCHES MAX.)	18"
C	GRAB BAR HEIGHT (TOP)	33" MIN. TO 36" MAX.
D	TOILET PAPER DISPENSER ABOVE FLOOR (TO PAPER/OUTLET)	19" MIN.
E	TOILET PAPER IN FRONT OF TOILET (7 INCHES MIN. & 9 INCHES MAX.)	8"
F	NAPKIN DISPOSAL (ON SIDE WALL BETWEEN REAR WALL AND TOILET PAPER DISPENSER)	20" MIN. TO 22" MAX.
G	OPERABLE PART OF ACCESSORY IN RESTROOM	40" MAX.
H	MIRROR HEIGHT AT BOTTOM OF REFLECTIVE SURFACE (OVER SHELF OR LAV.)	40" MAX.
I	MIRROR HEIGHT AT BOTTOM OF REFLECTIVE SURFACE (ISOLATED MIRROR)	35" MAX.
J	LAVATORY/SINK TOP HEIGHT	34" MAX.
K	LAVATORY APRON CLEARANCE	29" MIN.
L	LAVATORY/SINK KNEE CLEARANCE	27" MIN.
M	URINAL LIP HEIGHT (17 INCHES MAX.)	16"
N	URINAL FLUSH HANDLE HEIGHT (44 INCHES MAX.)	43"



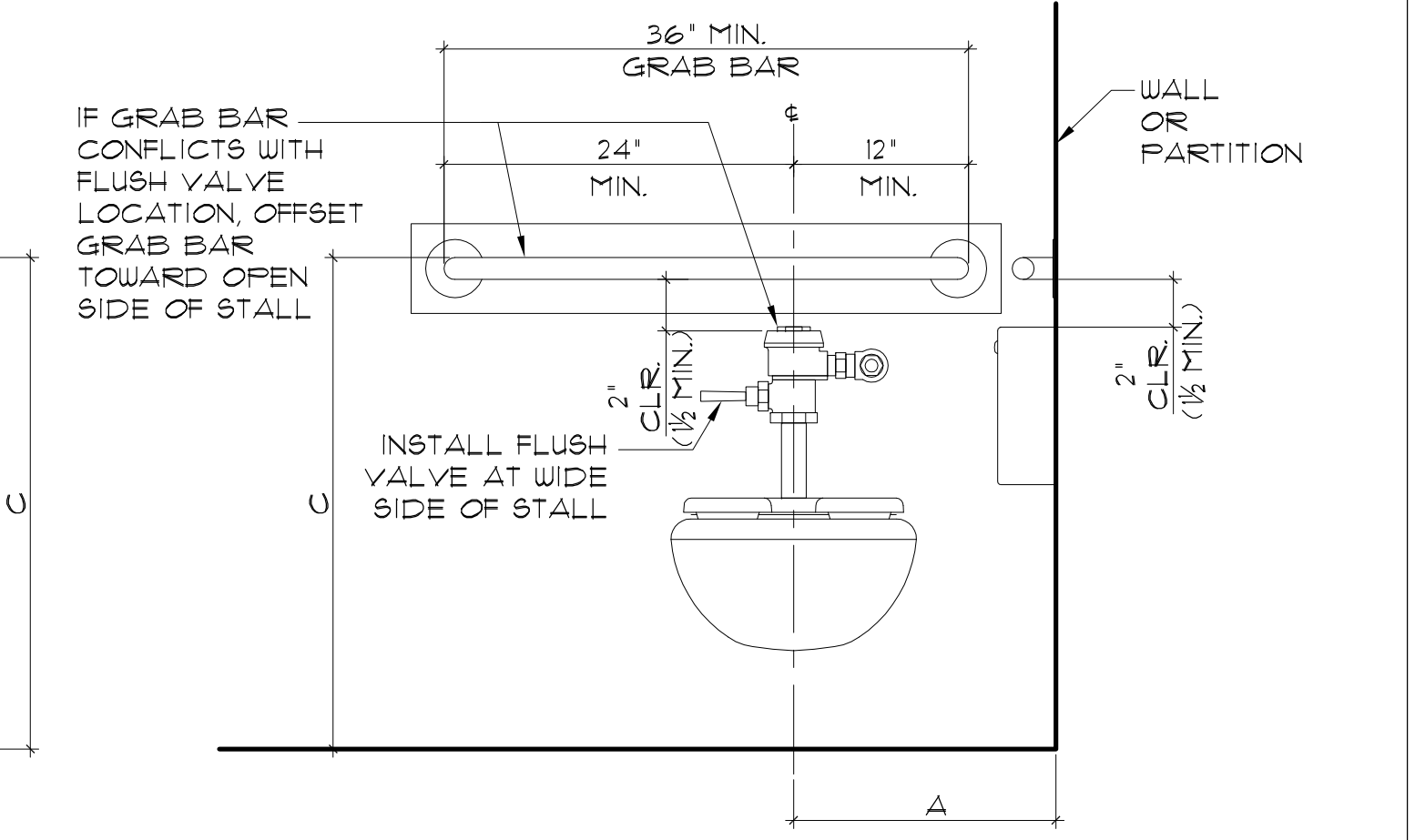
5 TYPICAL DIMENSION FOR URINALS
SCALE: N.T.S.



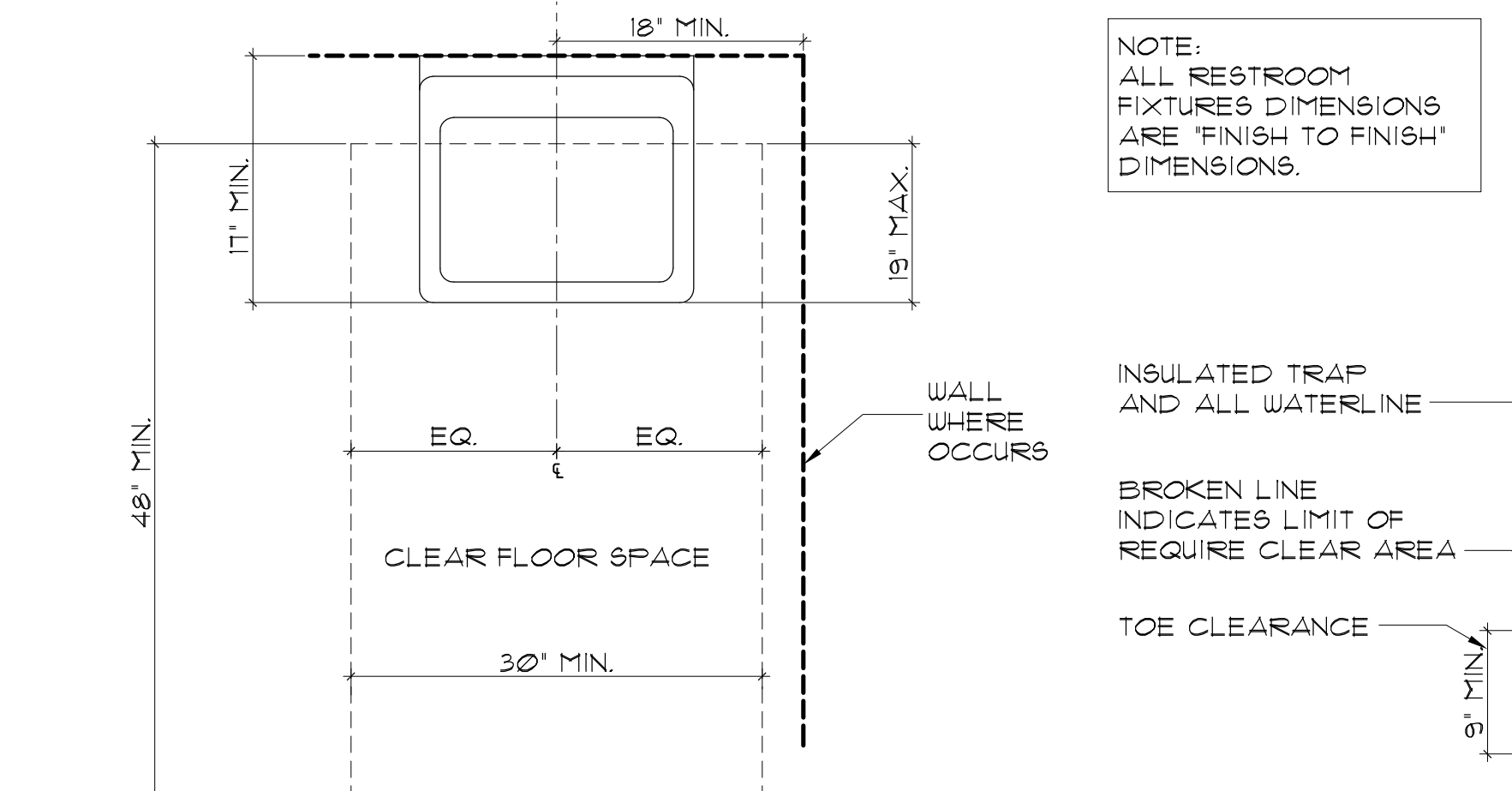
4 TOILET ACCESSORIES MOUNTING HEIGHT
SCALE: N.T.S.



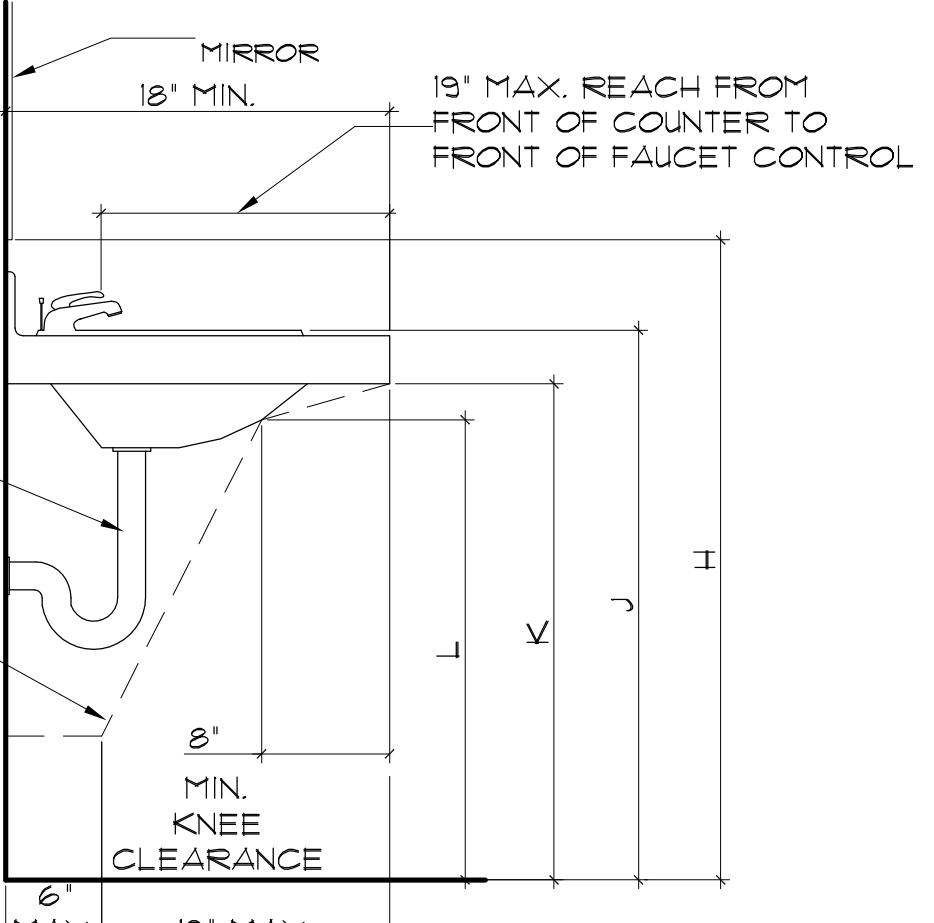
6 TYPICAL DIMENSION FOR WATER CLOSET & ACCESSORIES
SCALE: N.T.S.



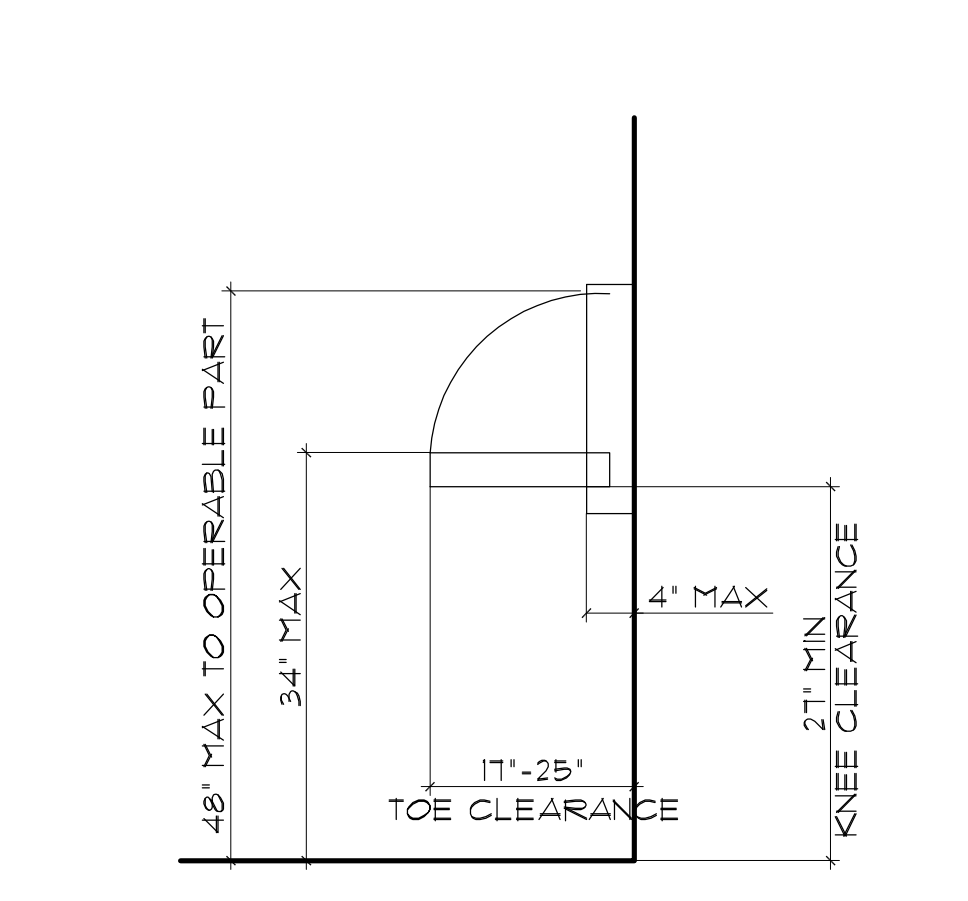
7 TOILET SIGNAGE MOUNTING LOCATION
SCALE: N.T.S.



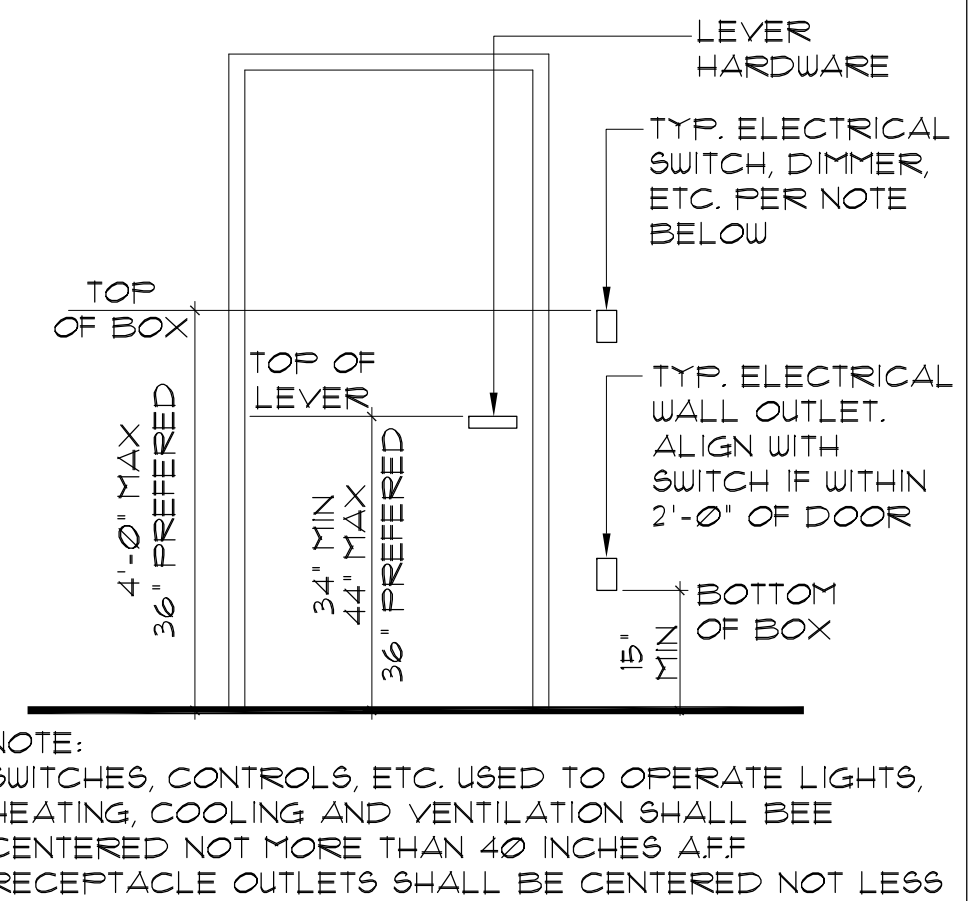
1 TYPICAL DIMENSION FOR LAVATORIES
SCALE: N.T.S.



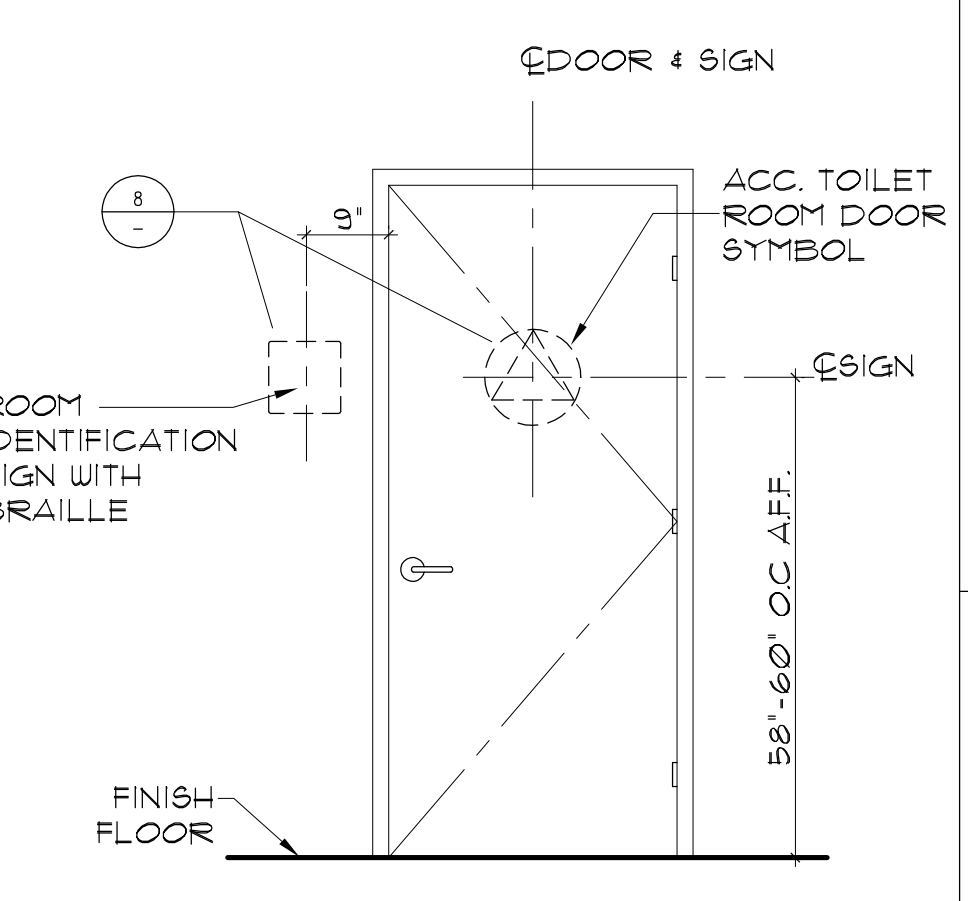
2 EXTERIOR THRESHOLD
SCALE: 6"=1'-0"



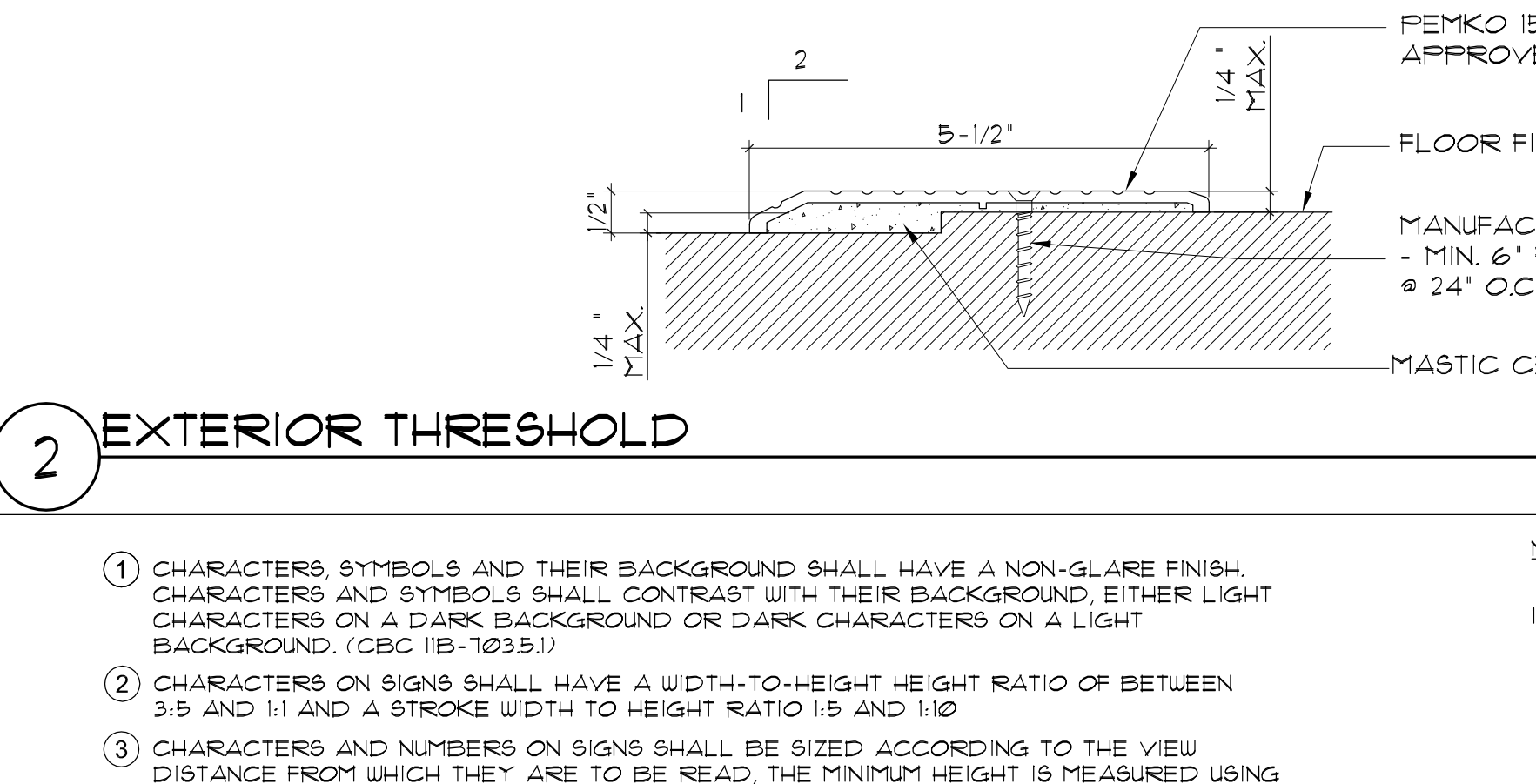
9 BABY CHANGING STATION DETAIL
SCALE: 3/4"=1'-0"



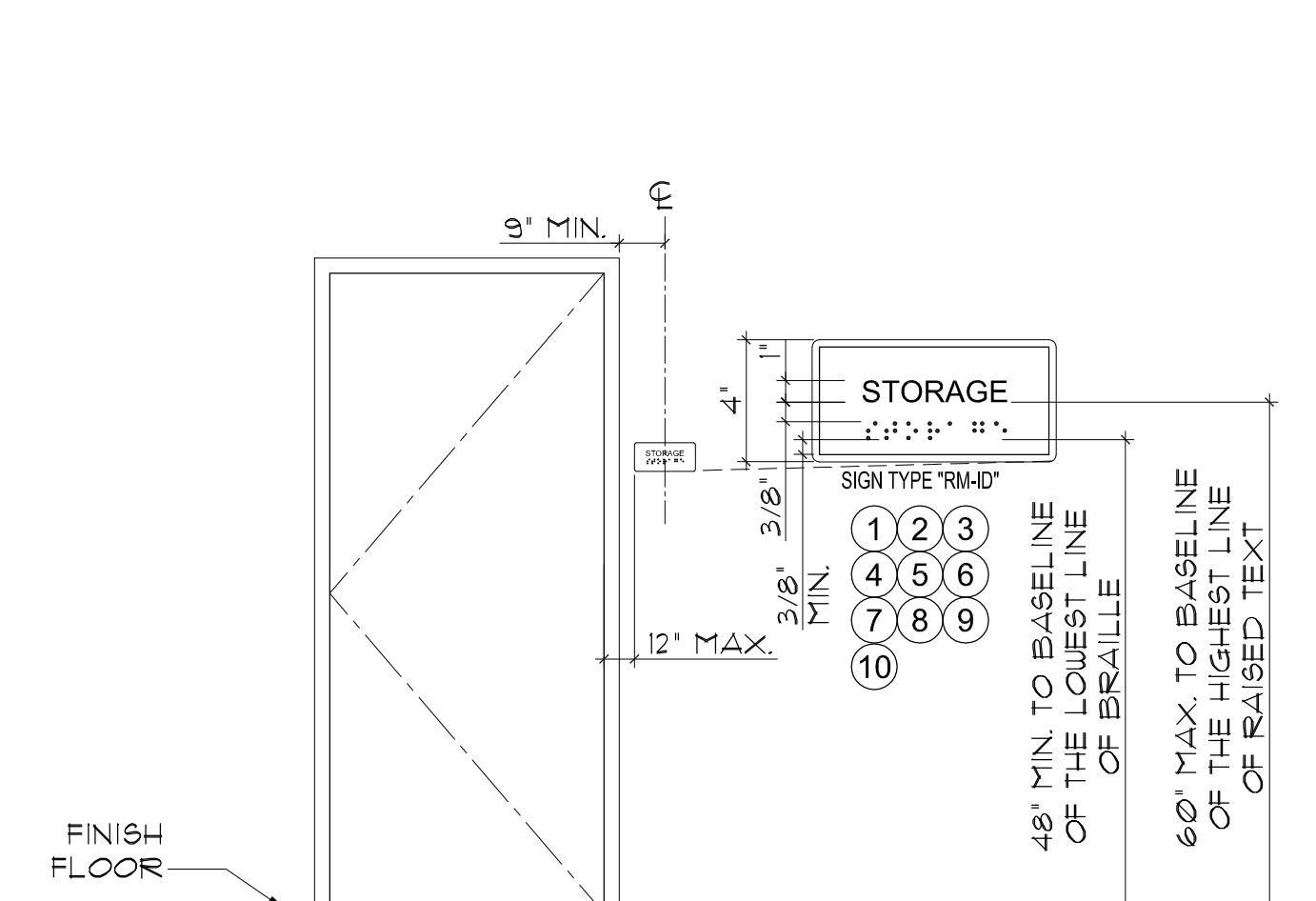
8 SWITCH & CONTROL AT DOOR
SCALE: N.T.S.



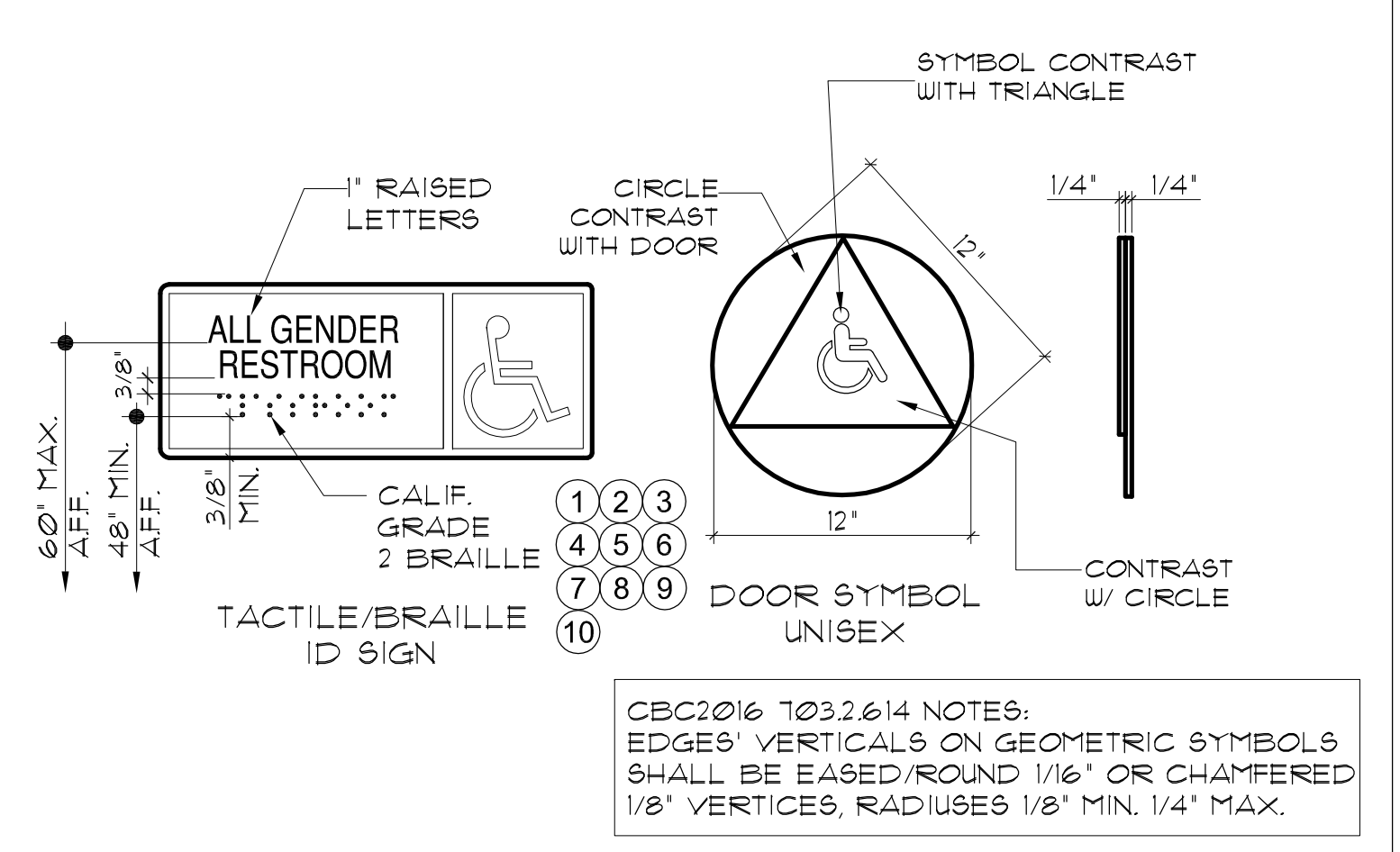
7 TOILET SIGNAGE MOUNTING LOCATION
SCALE: 1/2"=1'-0"



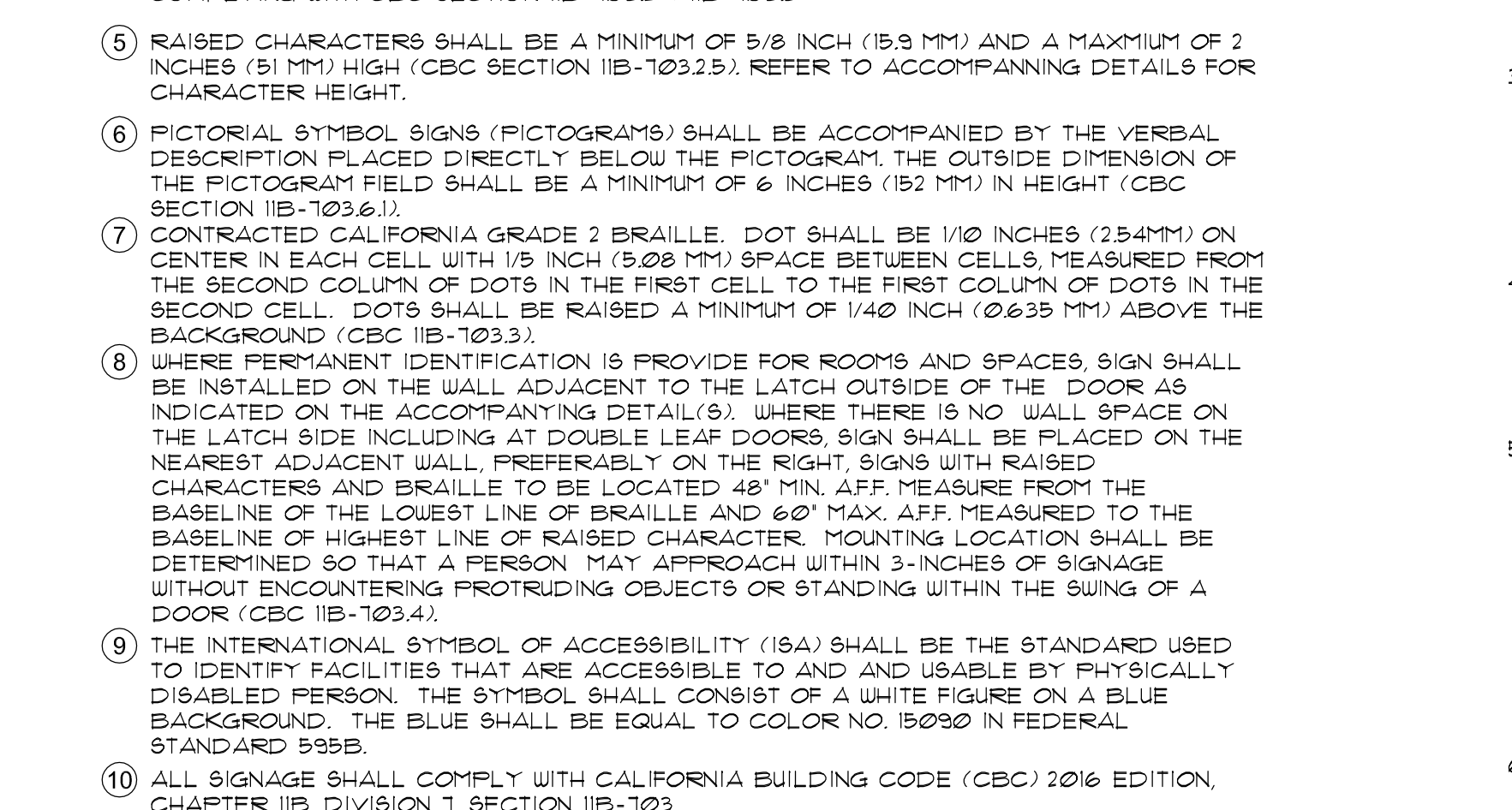
3 SIGN NOTES
SCALE: N.T.S.



11 ROOM SIGNAGE MOUNTING LOCATION
SCALE: 1/2"=1'-0"



10 DOOR SYMBOL & ID SIGN @ ACC. RESTROOM
SCALE: N.T.S.



10 DOOR SYMBOL & ID SIGN @ ACC. RESTROOM
SCALE: N.T.S.



**CITY OF SAN RAFAEL
DEPARTMENT OF
PUBLIC WORKS**

111 MORPHEW STREET,
SAN RAFAEL, CALIFORNIA 94901
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PROJECT TITLE AND LOCATION

**ADA RENOVATION
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Tel: 415.445.3045

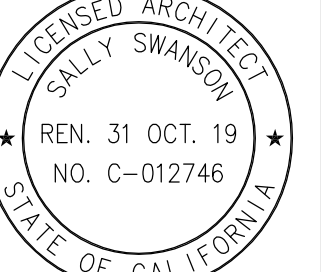
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Burbank, CA 91505
Tel: 310.575.2548

800.533.8771 | TTY 711
ssa@swanarch.com

**Architecture
Planning
Accessible Design**

STAMPS/SEALS

ARCHITECT STAMP



DATE 09-25-2019

CONSULTANT

STAMPS/SEALS

LOCAL AGENCY APPROVAL

ISSUES / REVISIONS

NO.	DESCRIPTION	DATE

SHEET TITLE:

**DEMO & NEW
FLOOR PLANS
AND
INTERIOR ELEVATIONS**

PROJECT NO: 18061.00

PROJECT ARCH: K.W.

DRAWN: T.M.

CHECKED: K.W. & S.S.

SHEET NUMBER

A-2.1

DATE: 09.24.2019

SHEET: 3 OF 4

GENERAL NOTES

- COORDINATE DEMOLITION WITH NEW CONSTRUCTION DRAWINGS FOR DEMOLITION, SALVAGE, PROTECTION AND RESTORATION OF (E) ITEMS. CONTRACTOR SHALL VERIFY (E) CONDITION PRIOR TO DEMOLITION COMMENCEMENT. PROCEED WITH CAUTION TO AVOID POSSIBLE (E) UNDERGROUND UTILITY LINES, CONDUIT, PIPING, ETC.
- SEE SHEET **G-03** FOR ACCESSIBILITY COMPLIANCE NOTES.
- SEAL ALL CONDUIT OR PIPE PENETRATIONS AT EACH LOCATION THROUGHOUT PROJECT.
- FOR ALL WALL MOUNTED ITEMS, PROVIDE WOOD BACKING AT ALL WOOD STUD FRAMING U.O.N.
- GENERAL CONTRACTOR TO COORDINATE RECESSED FLOOR ITEMS AND DEPRESSED SLABS PRIOR TO POURING OF CONCRETE.
- REMOVE DISPOSE OR REPLACE ALL OTHER ITEMS NOT SHOWN OR COVERED BY THIS DEMOLITION PLAN WHICH ARE IN CONFLICT WITH THE INTENTION OF THE PROJECT.
- SAWCUT (E) CONCRETE FOR (N) PLUMBING LINE AS NEEDED.
- PATCH AND REPAIR DEMO WALL FINISH TO MATCH (E).
- PATCH AND REPAIR DEMO CEILING FINISH TO MATCH (E).
- PATCH AND REPAIR DEMO FLOOR FINISH TO MATCH (E).
- (N) FLUSH VALVE FOR ALL ADA TOILETS TO BE ON WIDE SIDE. ADJUST (E) PLUMBING LINES AS REQUIRED. FINISH TO MATCH (E).

**DEMOLITION KEY NOTES -
EXISTING FLOOR PLAN**

- REMOVE (E) LAVATORY
- REMOVE (E) GRAB BAR
- REMOVE (E) WATER CLOSET
- REMOVE (E) TOILET PAPER DISPENSER
- REMOVE (E) MIRROR
- REMOVE (E) WALL MOUNTED LIGHT
- REMOVE (E) ELECTRICAL HAND DRYER
- REMOVE (E) THRESHOLD
- REMOVE (E) WALL BASE
- REMOVE (E) DOOR
- REMOVE (E) LIGHTING SWITCH
- ABANDON (E) FLOOR DRAIN
- REMOVE (E) WALL
- REMOVE (E) SIGNAGE
- (E) WINDOW TO REMAIN
- REMOVE AND RELOCATE (E) FLOOR DRAIN AS NEEDED
- (E) LIGHTING SWITCH TO REMAIN
- (E) DEMOLISH (E) CONCRETE ASPHALT

KEY NOTES - NEW FLOOR PLAN

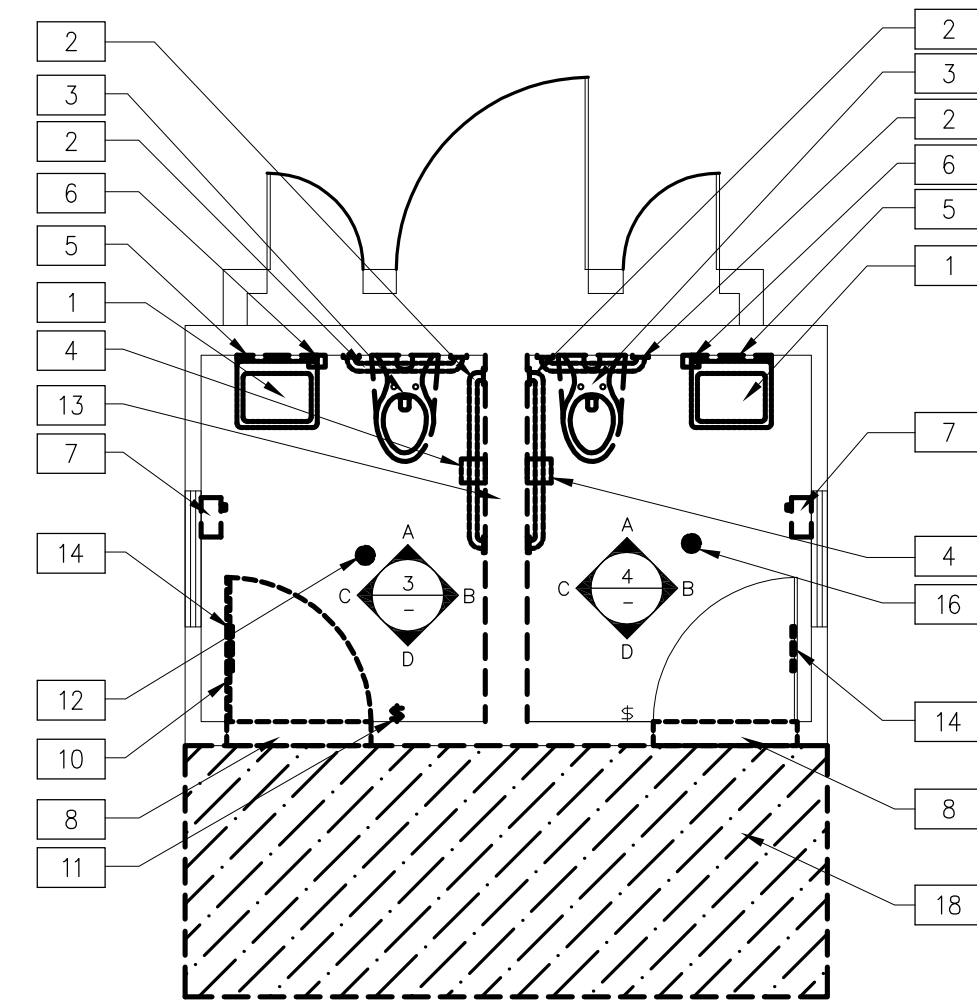
- (N) WATER CLOSET, **SEE 6/G-03**
- (N) GRAB BAR, **SEE 6/G-03**
- (N) 2X4 WALL
- (N) EXTERIOR THRESHOLD, **SEE 2/G-03**
- (N) 2'-4" X 1'-0" DOOR MATCH (E) DOOR HEIGHT, V.I.F.
- (N) LAVATORY, **SEE 1/G-03**
- (N) MIRROR, **SEE 4/G-03**
- (N) URINAL, **SEE 5/G-03**
- (N) TOILET PAPER DISPENSER, **SEE 6/G-03**
- (N) WALL BASE TO MATCH (E)
- (N) SEAT COVER DISPENSER, **SEE 4/G-03**
- (N) HAND SOAP DISPENSER, **SEE 4/G-03**
- (N) BABY CHANGING STATION, **SEE 9/G-03**
- (N) ADA DOOR SIGNAGE, **SEE 14 10/G-03**
- (N) ADA ROOM SIGNAGE, **SEE 14 10/G-03**
- (N) ADA ROOM SIGNAGE, **SEE 11/G-03**
- (N) STAINLESS STEEL SEMI-RECESSED PAPER TOWEL DISPENSER AND WASTE RECEPTACLE, **SEE 4/G-03**
- (N) SANITARY NAPKIN DISPOSAL, **SEE 4/G-03**
- CAP (E) FLOOR DRAIN AND PATCH THE FLOOR AS NEEDED
- (N) EXTERIOR WALL INFILL AT (E) DOOR OPENING
- (N) WALL MOUNTED LIGHT ABOVE THE FLOOR 80" MIN.
- (N) LIGHTING SWITCH, **SEE 8/G-03**
- BUILT UP (E) CONC. FLOOR W/ EPOXY CONC. TO ACHIEVE MAX 2% SLOPE IN ALL DIRECTION, TOWARD DRAIN, RAISE AND/OR RELOCATE FLOOR DRAIN AS NEEDED
- (N) HI-LO DRINKING FOUNTAIN WITH BOTTLE FILLER
- (N) DRINKING FOUNTAIN WING GUARD
- (N) PLUMBING WALL AS NECESSARY
- (N) CONCRETE ASPHALT 2% MAX IN ANY DIRECTIONS

TEXT LEGEND

(E) = EXISTING FIXTURES TO REMAIN, U.O.N. (N) = NEW FIXTURES, U.O.N.

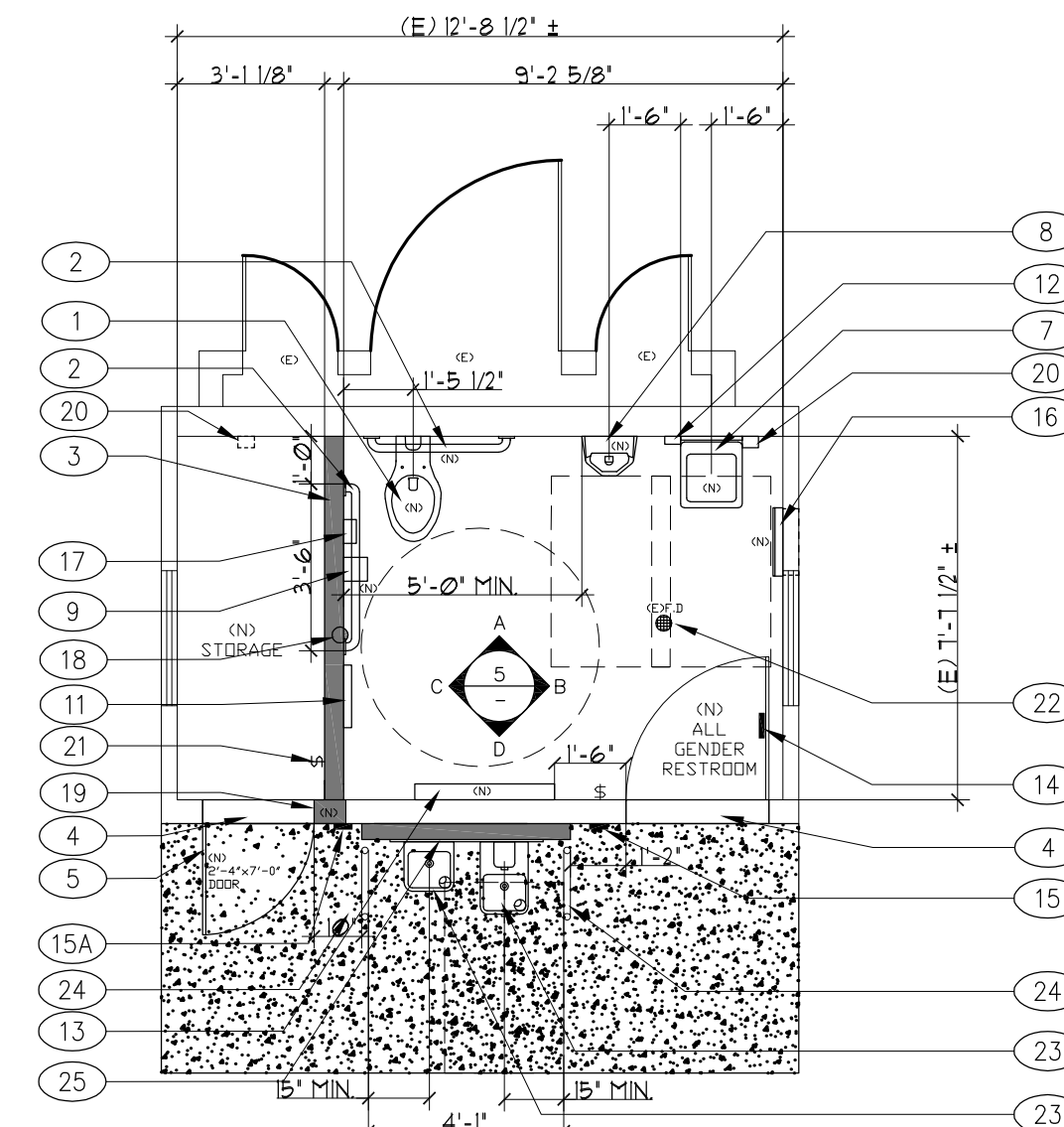
SYMBOL LEGEND

[Solid Line] NEW [Dashed Line] DEMOLITION



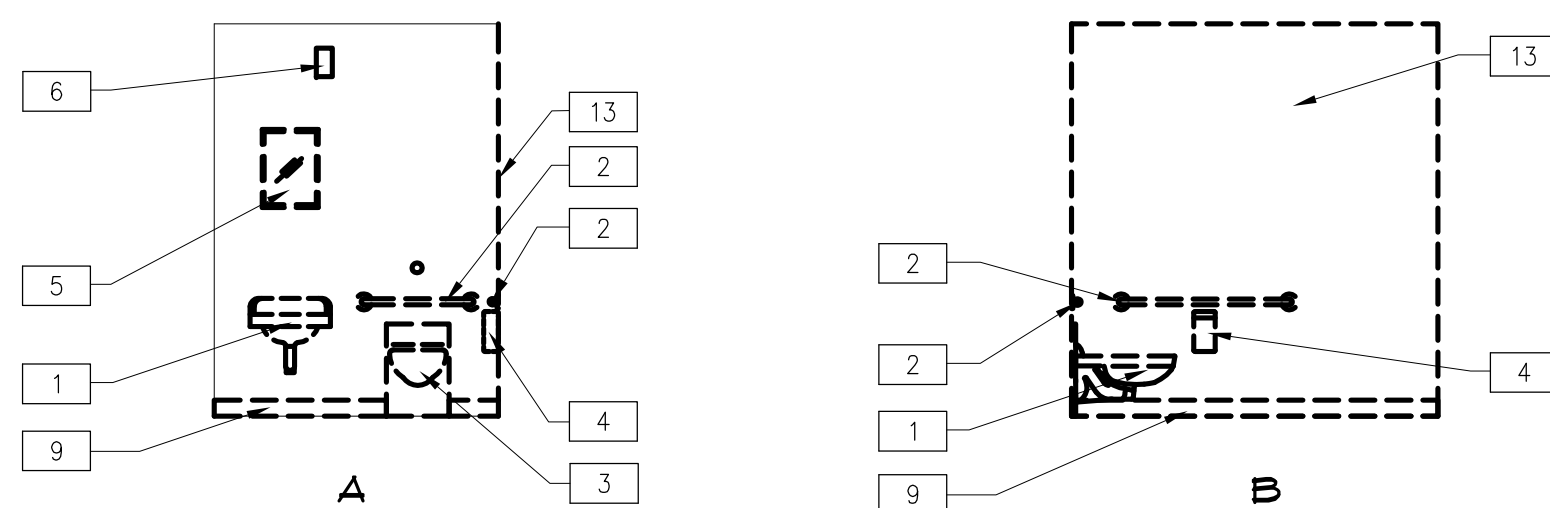
**1 DEMOLITION FLOOR PLAN
MEN & WOMEN RESTROOMS**

SCALE: 1/4"=1'-0"



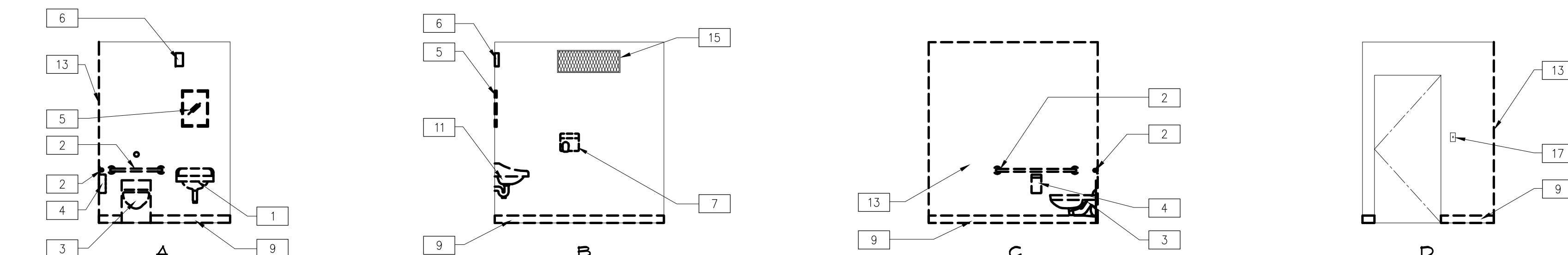
**2 NEW FLOOR PLAN
ALL GENDERS RESTROOM & STORAGE**

SCALE: 1/4"=1'-0"



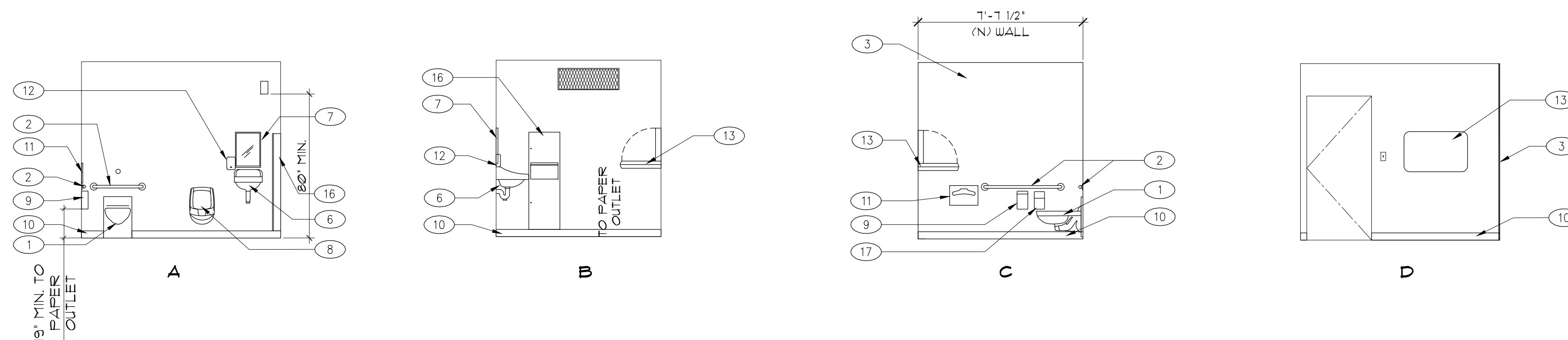
**3 DEMOLITION INTERIOR ELEVATION
WOMEN RESTROOM**

SCALE: 1/4"=1'-0"



**4 DEMOLITION INTERIOR ELEVATION
MEN RESTROOM**

SCALE: 1/4"=1'-0"



**5 NEW INTERIOR ELEVATION
ALL GENDERS RESTROOM & STORAGE**

SCALE: 1/4"=1'-0"



**CITY OF SAN RAFAEL
DEPARTMENT OF
PUBLIC WORKS**

111 MORPHEW STREET,
SAN RAFAEL, CALIFORNIA 94901
TEL: (415)485-3355
FAX: (415)485-3334

PROJECT TITLE AND LOCATION

**ADA RENOVATION
PROJECTS
AT**

**CITY OF SAN RAFAEL
SHORELINE PARK PATHWAY RESTROOM**

2171 E. FRANCISCO BLVD
SAN RAFAEL, CA 94901

COMMISSIONED ARCHITECT
Sally Swanson Architects, Inc.

500 Sansome St, Suite 410 San Francisco, CA 94111
Tel: 415.445.3045

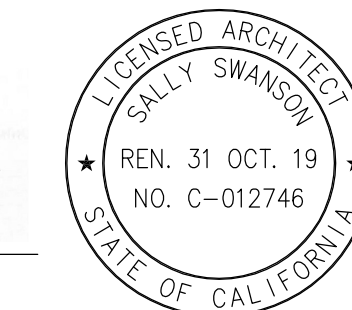
2600 West Olive Ave, 5th Floor
Burbank, CA 91505
Tel: 310.575.2548

800.533.8771 | TTY 711
ssa@swanarch.com

**Architecture
Planning
Accessible Design**

STAMPS/SEALS

ARCHITECT STAMP



DATE 09-25-2019

CONSULTANT

STAMPS/SEALS

LOCAL AGENCY APPROVAL

ISSUES / REVISIONS

NO.	DESCRIPTION	DATE

SHEET TITLE:

**DEMO & NEW
EXTERIOR ELEVATIONS**

PROJECT NO: 18061.00 PROJECT ARCH: K.W.
DRAWN: T.M. CHECKED: K.W. & S.S.

SHEET NUMBER

A-2.2

DATE: 09.24.2019 SHEET: 4 OF 4

GENERAL NOTES

- COORDINATE DEMOLITION WITH NEW CONSTRUCTION DRAWINGS FOR DEMOLITION, SALVAGE, PROTECTION AND RESTORATION OF (E) ITEMS. CONTRACTOR SHALL VERIFY (E) CONDITION PRIOR TO DEMOLITION COMMENCEMENT. PROCEED WITH CAUTION TO AVOID POSSIBLE (E) UNDERGROUND UTILITY LINES, CONDUIT, PIPING, ETC.
- SEE SHEET **G-03** FOR ACCESSIBILITY COMPLIANCE NOTES.
- SEAL ALL CONDUIT OR PIPE PENETRATIONS AT EACH LOCATION THROUGHOUT PROJECT.
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- PATCH AND REPAIR DEMO FLOOR FINISH TO MATCH (E).
- (N) FLUSH VALVE FOR ALL ADA TOILETS TO BE ON WIDE SIDE. ADJUST (E) PLUMBING LINES AS REQUIRED. FINISH TO MATCH (E).

**DEMOLITION KEY NOTES -
EXISTING FLOOR PLAN**

- REMOVE (E) DOOR
- REMOVE (E) SIGNAGE
- REMOVE (E) WOOD TRIM
- REMOVE AND RELOCATE (E) SIGN

KEY NOTES - NEW FLOOR PLAN

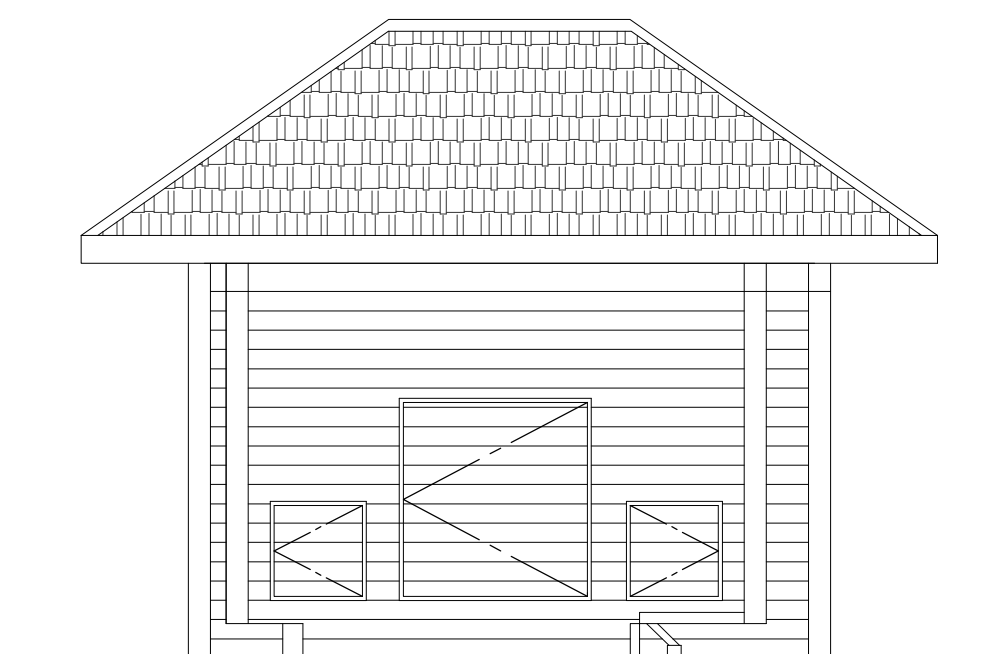
- (N) 3'-0" X 7'-0" DOOR MATCH (E) DOOR HEIGHT, V.I.F.
- (N) HI-LO DRINKING FOUNTAIN WITH BOTTLE FILLER
- (N) DRINKING FOUNTAIN WING GUARD
- (N) PLUMBING WALL AS NECESSARY
- (N) ADA DOOR SIGNAGE **SEE T4 10/G-03**
- (N) ADA ROOM SIGNAGE **SEE T4 10/G-03**
- (N) ADA ROOM SIGNAGE **SEE 11/G-03**
- (N) 2'-4" X 7'-0" DOOR MATCH (E) DOOR HEIGHT, V.I.F
- (N) WOOD TRIM TO MATCH (E)
- RELOCATED (E) SIGNAGE

TEXT LEGEND

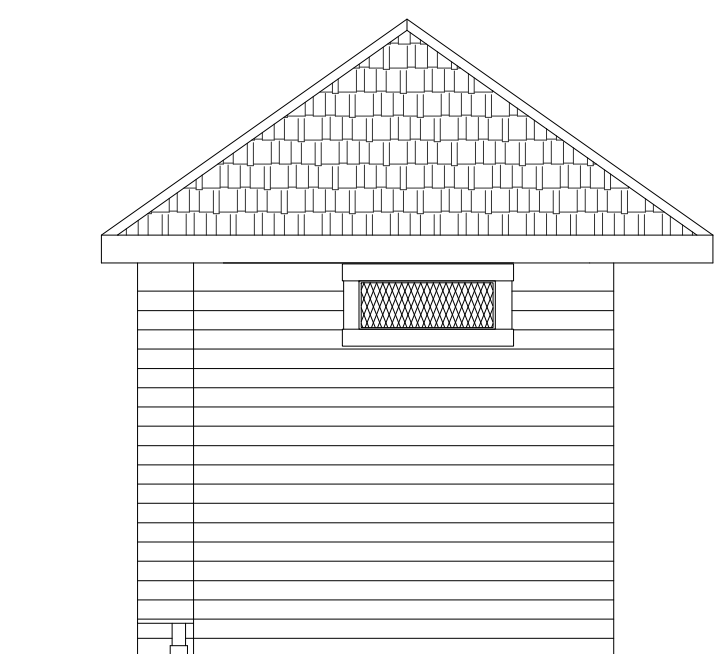
(E) = EXISTING FIXTURES TO REMAIN, U.O.N. (N) = NEW FIXTURES, U.O.N.

SYMBOL LEGEND

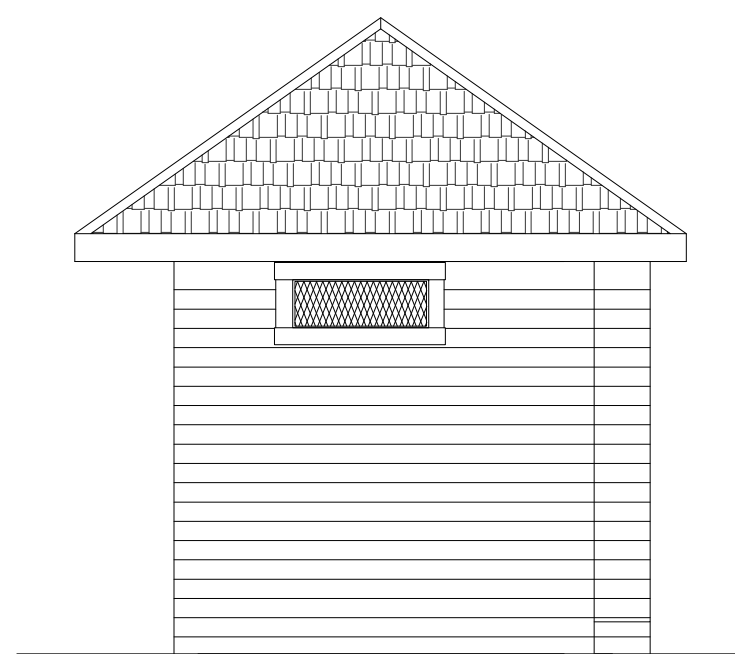
[Solid Line] NEW [Dashed Line] DEMOLITION



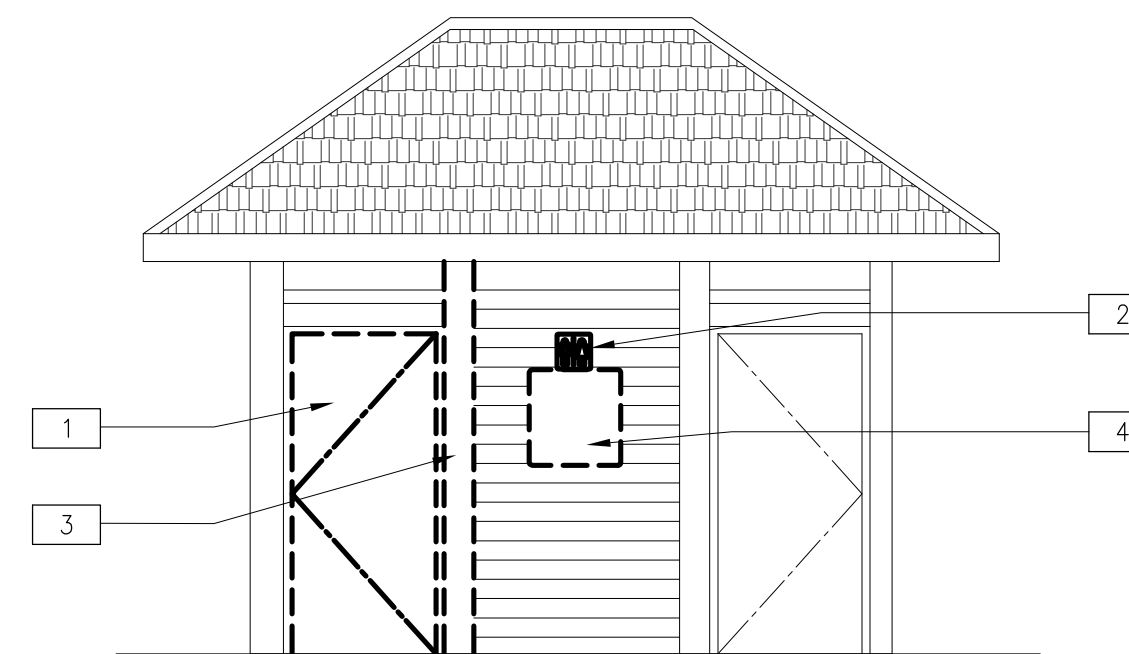
A



B



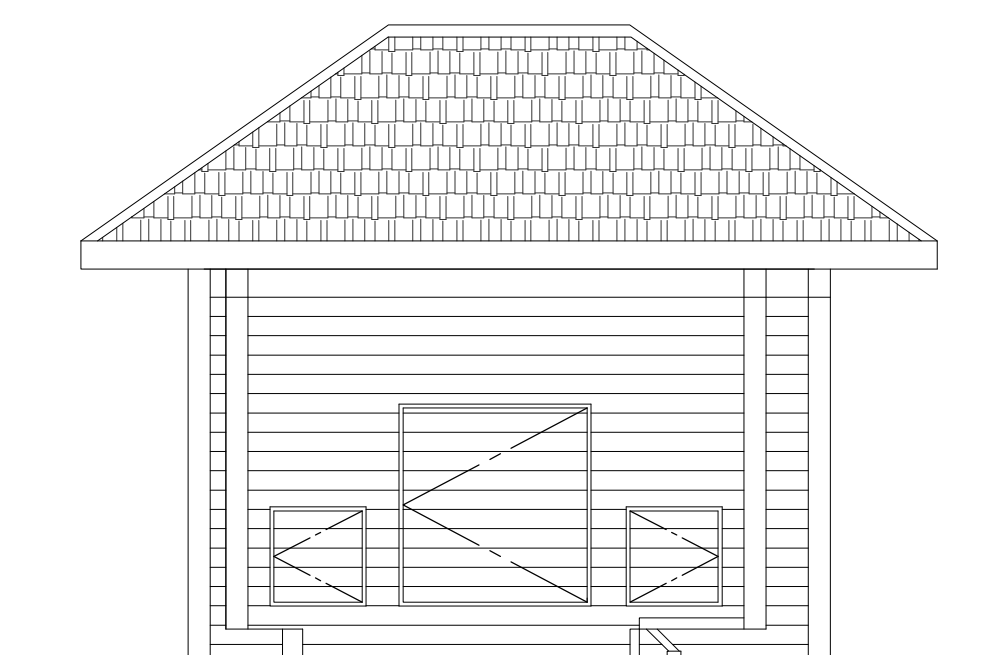
C



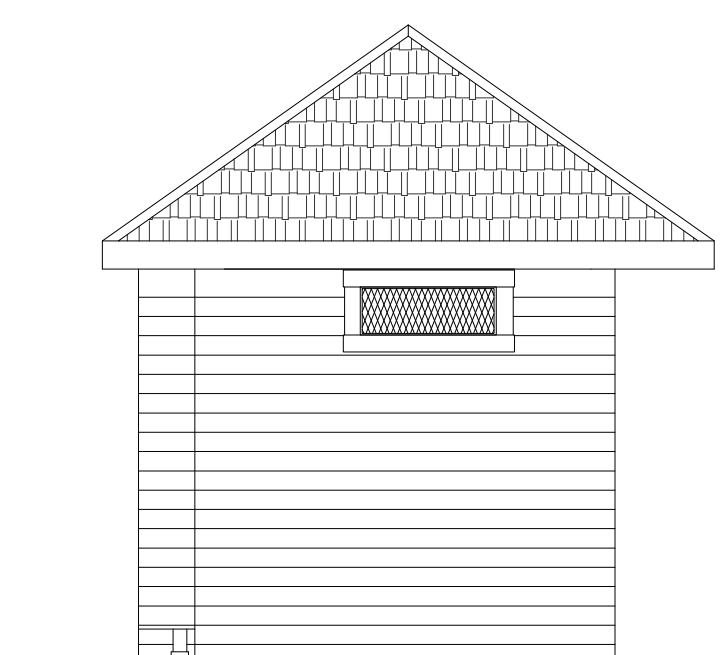
D

**1 DEMOLITION EXTERIOR ELEVATION
SAN RAFAEL SHORELINE PARK PATHWAY RESTROOM**

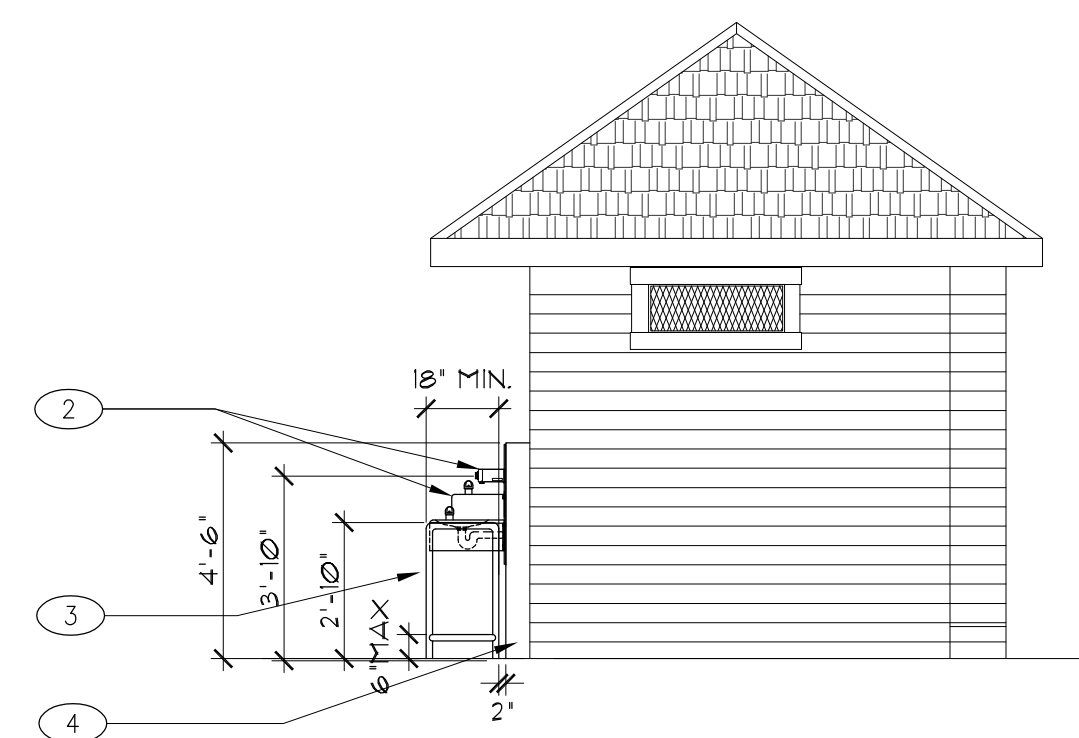
SCALE: 1/4"=1'-0"



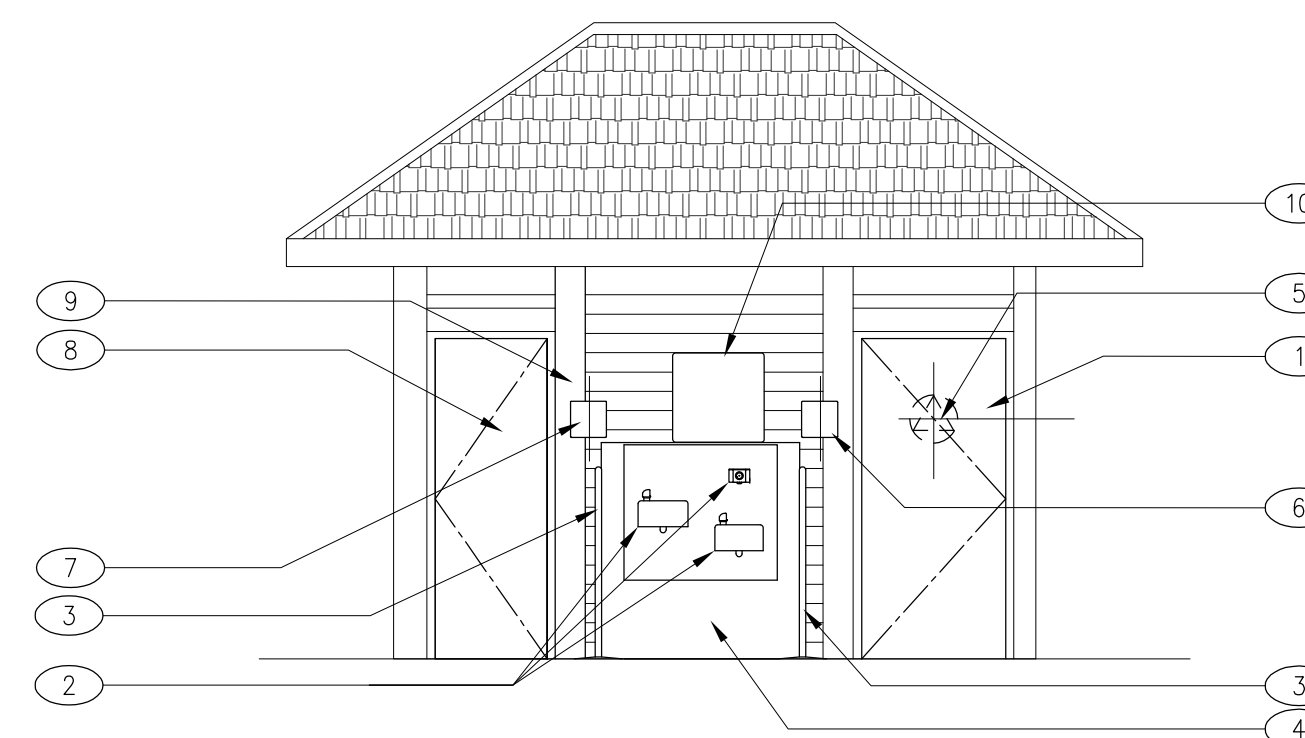
A



B



C



D

**2 NEW INTERIOR ELEVATION
ALL GENDERS RESTROOM & STORAGE**

SCALE: 1/4"=1'-0"

RE: Starkweather Park Restroom Status Update

Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>

Mon 12/2/2019 2:54 PM

To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Gaffney, Andrea@BCDC <andrea.gaffney@bcdc.ca.gov>

Hi Thomas,

I am generally comfortable with approving the restroom plans based on the designs and other information you have provided. We would be fine with either the 122W WPLLED-125 model or the 82W WPLLED-100 model (or any combination of the two) depending on the feedback you receive from the neighboring property owners and the SRPD. Please let us know what their feedback is and which model(s) you ultimately choose. Please note that this approval is conditional. If your plans change, e.g., because of your discussions with the above interested parties about the lighting design/lamp types or models, please contact us for further review and approvals of the changes.

Best Regards,

MATTHEW TRUJILLO
Enforcement Analyst
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdc.ca.gov

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Monday, December 2, 2019 11:36 AM
To: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Gaffney, Andrea@BCDC <andrea.gaffney@bcdc.ca.gov>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Thanks for the quick reply. That's a good idea and something I have not done yet. I will reach out to both to ensure that they are satisfied with the lighting design we have selected. Assuming they are, what are the next steps to getting our plans approved or has that already occurred? As we discussed a few weeks ago we intend to take this project out to informal bid again given the high bids we received the first time. We spoken to a number of contractors who we believe will be able to compete the project within our \$125,000 budget. That budget includes the work necessary to upgrade the mechanicals as well as install a new electrical meter.

Thanks,
Thomas

Thomas Wong | City of San Rafael
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



Please note: City Hall and most departments/facilities will be closed from December 24, 2019 through January 1, 2020.

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Monday, December 2, 2019 11:26 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Gaffney, Andrea@BCDC <andrea.gaffney@bcdc.ca.gov>
Subject: Re: Starkweather Park Restroom Status Update

Thanks, Thomas. It sounds like the lower powered lights would meet the City's requirements and the insights you have learned from past experience with other city lights is valuable. I am curious, however, whether the adjacent property owner and the police dept. (both interested parties) have been consulted to determine whether they would feel comfortable with the proposed lighting level. Again, just curious, but maybe you should get their input for the record.

Best Regards,

MATTHEW TRUJILLO
Coastal Program Analyst II
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdc.ca.gov
<http://bcdc.ca.gov/enforcement>

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3633
Main Number: (415) 352-3600

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Date: Monday, December 2, 2019 at 11:11 AM

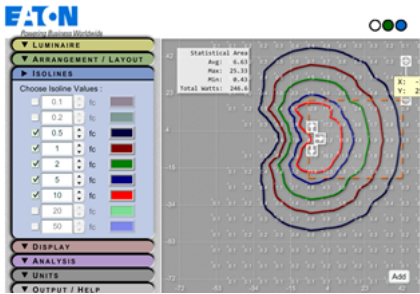
To: "Trujillo, Matthew@BCDC" <Matthew.Trujillo@bcdc.ca.gov>

Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>, "Gaffney, Andrea@BCDC" <andrea.gaffney@bcdc.ca.gov>

Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

I've gone ahead and run the lights through the program that the manufacturer provided and the 100 watt lights more than adequately provide the lighting necessary for the exterior of the bathroom. Our municipal code requires 1 footcandle outside of doorways and buildings. As you can see in the attached diagrams and the snippet below, lighting measured from the front door does not drop below this threshold for about 27 feet from the building. The orange box denotes the width of the parking lot and with the 100 watt light, a min of .5 footcandles is provided across the width of the lot which is the minimum required by our municipal code. With the 125 watt lights we are concerned about glare on our adjacent neighbors as well as the street above. We recently went through a LED conversion on all City street lights and received many comments about the lights being too bright so we are aware of this issue. As a reference the streets lights we installed were 40 to 50 watts while these lights are 82 watts each.



If you feel strongly that we should install the larger lights we are amenable to doing so. Please let me know and if you'd like to discuss further I am happy to do so.

Best,
Thomas

Thomas Wong | City of San Rafael
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



DEPARTMENT OF
PUBLIC WORKS

Please note: City Hall and most departments/facilities will be closed from December 24, 2019 through January 1, 2020.

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Monday, December 2, 2019 10:10 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Gaffney, Andrea@BCDC <andrea.gaffney@bcdc.ca.gov>
Subject: Re: Starkweather Park Restroom Status Update

Good Morning Thomas,

You stated that you intend to install the 100-watt model. Did you mean the higher powered 122W WPLLED-125 model or the lower powered 82W WPLLED-100? If you opt for the lower powered lamps, please explain why they are preferable to the higher powered lamps in terms of public safety. Also, please provide a depiction of the lighting radii of the lamps when they're installed.

Best Regards,

MATTHEW TRUJILLO
Coastal Program Analyst II
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdc.ca.gov
<http://bcdc.ca.gov/enforcement>

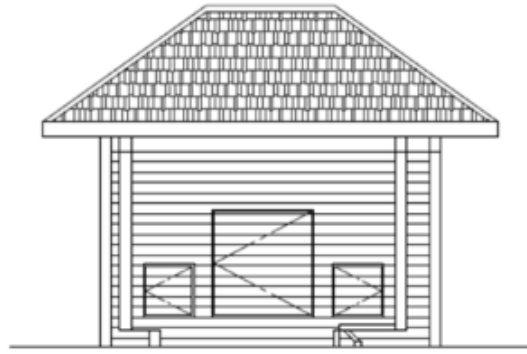
San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3633
Main Number: (415) 352-3600

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Date: Wednesday, November 27, 2019 at 9:58 AM
To: "Trujillo, Matthew@BCDC" <Matthew.Trujillo@bcdc.ca.gov>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

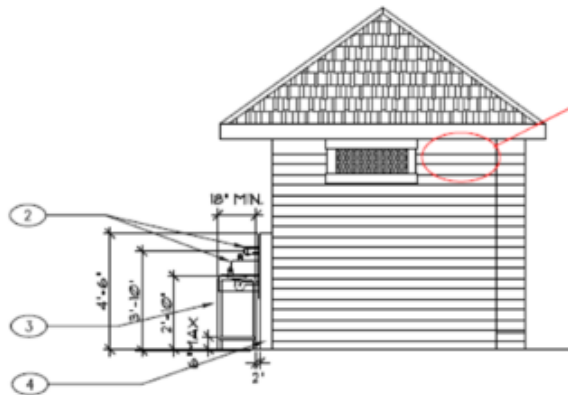
Please find attached specs for the wall mounted lights we intend to install. We will install one on the front of the building and one each on the left and right side of the building. The lights will have photocells so they will turn on automatically at night. The lights are LED which will reduce energy consumption and we intend to install the 4k temp and 100 watt model.

I have marked up the plans to show the location of the lights. These can be found on page 4.



A

Lumark WPLED Lights



C

- 9
- 8
- 7
- 3
- 2

2 NEW INTERIOR ELEVATION ALL GENDERS RESTROOM & STORAGE

Thanks,
Thomas

Thomas Wong | City of San Rafael
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



Please note: City Hall and most departments/facilities will be closed from December 24, 2019 through January 1, 2020.

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Monday, October 21, 2019 8:53 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Thanks Thomas,

Yes, please provide the lighting specs and locations.

Best Regards,

MATTHEW TRUJILLO
Coastal Program Analyst II
BCDC Enforcement Unit

(415) 352-3633
Matthew.Trujillo@bcdc.ca.gov
<http://bcdc.ca.gov/enforcement>

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3633
Main Number: (415) 352-3600

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Date: Monday, October 21, 2019 at 8:51 AM
To: "Trujillo, Matthew@BCDC" <Matthew.Trujillo@bcdc.ca.gov>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

We intend to put up LED Flood type lighting on the exterior of the building. We did not have the architect spec anything as they had already gone over budget and we felt we could spec lights on our own. If you would like more information we could provide you the specs of the lights we choose and show where we intend to install them. All lights would be installed on the bathroom as that is where our power source is.

Thanks,
Thomas

Thomas Wong | City of San Rafael
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



DEPARTMENT OF
PUBLIC WORKS

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Monday, October 21, 2019 7:15 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Thanks, Thomas. I didn't see any exterior lighting on the plans. How will the city make sure that users can safely navigate to and about the structure to access the lavatory and the drinking facilities after dark?

Best Regards,

MATTHEW TRUJILLO
Coastal Program Analyst II
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdc.ca.gov
<http://bcdc.ca.gov/enforcement>

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3633
Main Number: (415) 352-3600

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Date: Friday, October 18, 2019 at 5:07 PM
To: "Trujillo, Matthew@BCDC" <Matthew.Trujillo@bcdc.ca.gov>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Please find attached final drawings that have been stamped by the architect. They have incorporated the ADA compliant fountain/bottle filler as previously discussed. We recently added this project to another project that went out to bid but did not receive any bids that were satisfactory. We intend to rebid it shortly with the hopes of getting a more competitive bid. If we cannot get a bid that is within our budget we may have our own crews perform the work. I will keep you posted on the bidding process.

I am copying Faby, our Project Manager on the bathroom who will be coordinating the construction. Please include her in future correspondence as she will be able to answer any questions that may arise.

Best,
Thomas

Thomas Wong | City of San Rafael
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



DEPARTMENT OF
PUBLIC WORKS

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Thursday, August 29, 2019 2:10 PM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: RE: Starkweather Park Restroom Status Update

Great. In that case, the plans are approved on the condition that you amend the plans to include the water bottle/drinking fountain fixture and resubmit for final review.

Best Regards,

MATTHEW TRUJILLO
Enforcement Analyst
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdc.ca.gov

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Thursday, August 29, 2019 2:05 PM
To: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Yes, the City would be amenable to installing a dual water bottle/drinking fountain in front of the restroom.

Best,

Thomas

Thomas Wong | City of San Rafael
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



DEPARTMENT OF
PUBLIC WORKS

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Thursday, August 29, 2019 1:56:17 PM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: Starkweather Park Restroom Status Update

Hi Thomas,

Would the city be amenable to providing a water bottle filling station in combination with one of the drinking fountains? It should come in handy for bikers and urban hikers coming off the RSR Bridge on their way into San Rafael and beyond and for watersports-persons launching from or landing at the park.

Best Regards,

MATTHEW TRUJILLO
Enforcement Analyst

BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdc.ca.gov

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Friday, August 2, 2019 1:27 PM
To: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Please find attached the plans for the interior remodel of the bathroom as well as the addition of an exterior drinking fountain. We had previously discussed a wash station or similar but our consultant advised that it would be difficult to do behind the structure due to ADA requirements. In lieu of that we have detailed two ADA drinking fountains in front of the bathroom. Please let me know what else we need to do to start the review process with your staff.

Thanks,

Thomas

Thomas Wong | City of San Rafael
Senior Management Analyst
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



DEPARTMENT OF
PUBLIC WORKS

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Friday, May 31, 2019 9:25:58 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: Re: Starkweather Park Restroom Status Update

Thanks, Thomas.

Best Regards,

MATTHEW TRUJILLO
Acting Principal Enforcement Analyst
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdc.ca.gov
<http://bcdc.ca.gov/enforcement>

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Date: Friday, May 31, 2019 at 9:11 AM
To: "Trujillo, Matthew@BCDC" <Matthew.Trujillo@bcdc.ca.gov>
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

Just to give you a quick update after we last spoke. We just signed a contract to have our architects complete exterior elevations as well as design for a fountain. We are hoping to have the complete set of plans done and submitted by the end of next month, nearly entirely dependent on our architects availability. I will let you know when we are ready to submit.

Thanks,

Thomas

Thomas Wong | City of San Rafael
Junior Engineer
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



**DEPARTMENT OF
PUBLIC WORKS**

From: Thomas Wong
Sent: Wednesday, May 22, 2019 9:19:27 AM
To: Trujillo, Matthew@BCDC
Subject: Re: Starkweather Park Restroom Status Update

Hi Matthew,

We are indeed remodeling the existing bathroom. We hired an architect to design it and to make sure that all ADA requirements are met (see attached). They have furnished us a complete design and we are actively looking for a contractor. Like many of our other small projects in the City right now, we are having a difficult time finding anyone to do the job. We are working to try and group a few small projects together to hopefully entice someone to take on the project. At the same time we are meeting to discuss whether or not we have the capacity within the city, to have one of our facilities crews do the remodel.

While we continue to find a contractor, we are also working with our co-permittee to resolve some easement issues regarding our sewer lateral that currently runs across their property.

We still anticipate that we will be able to complete the project this summer as previously planned and have continued to provide an ADA accessible bathroom onsite in the interim.

On a separate note, can you provide me any information regarding our amendment to the permit regarding reasonable hours? I believe the permit was amended and then we submitted a formal request but I did not receive a response on the outcome of the request to set reasonable park hours.

If you have any further questions please let me know.

Thanks,

Thomas

Thomas Wong | City of San Rafael
Junior Engineer
Department of Public Works
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



**DEPARTMENT OF
PUBLIC WORKS**

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Tuesday, May 21, 2019 3:31:43 PM
To: Thomas Wong
Subject: Starkweather Park Restroom Status Update

Hi Thomas,

I am circling back with you to inquire about the status of the permanent restroom at Starkweather Park. When we last spoke, I was informed that the City would be reconditioning the existing restroom and opening it up for public use pursuant with the permit. What is the current status?

Best Regards,

ATTACHMENT 3-IMAGES



Renovated ADA restroom with exterior lighting and dual level drinking fountain as requested by BCDC. Note ADA accessible temporary bathroom in background.



New ADA toilet fixtures and accessories

From: [Fabiola Guillen-Urfer](#)
To: [Thomas Wong](#); [Trujillo, Matthew@BCDC](#)
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park
Date: Thursday, July 22, 2021 1:52:11 PM

Hi Matthew,

We received confirmation that PGE is processing our application. They are, however, at least 16 weeks out to respond.

I will absolutely let you and the rest of the BCDC team know if I hear anything any sooner.

Thanks,

Faby

A. Fabiola Guillen | City of San Rafael

Sr. Project Manager

Department of Public Works

Cell 415.720.9588

Fabiola.GuillenUrfer@cityofsanrafael.org



[@SanRafaelDPW](#)

From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Thursday, July 22, 2021 10:49 AM
To: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

No worries, thanks for the confirmation.

From: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Sent: Thursday, July 22, 2021 10:38 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Thanks, Thomas. Sorry for the confusion. I'll update our records.

Best Regards,

MATTHEW TRUJILLO
Coastal Program Analyst II
BCDC Enforcement Unit
(415) 352-3633
Matthew.Trujillo@bcdca.gov
<http://bcdca.gov/enforcement>

San Francisco Bay Conservation and Development Commission
375 Beale St., Suite 510
San Francisco, CA 94105
FAX: (415) 352-3606
Main Number: (415) 352-3600
Business Days & Hours:
M-F 8:30a – 5:00p



From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Thursday, July 22, 2021 10:37 AM
To: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdca.gov>
Cc: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Fw: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi Matthew,

I left you a message but to update you, I have turned the project over to Faby who is copied. See below for the updates with John during your absence. She will be your best contact moving forward regarding the project.

Best,
Thomas

Thomas Wong (*he/him/his*) | **City of San Rafael**
Analyst
City Manager's Office
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



Note: As a result of COVID-19, the City of San Rafael will be limited walk-in services. To check current operating hours, please visit <https://www.cityofsanrafael.org/hours/>

From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Monday, June 28, 2021 1:55 PM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,
I just heard from PG&E today asking for some more information to continue the new service application.
I don't have an anticipated completion date, but things are still moving along.
I'll let you know if/when I hear more.
Thanks,
F

A. Fabiola Guillen | City of San Rafael
Sr. Project Manager
Department of Public Works
Cell 415.720.9588
Fabiola.GuillenUrfer@cityofsanrafael.org



From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Thursday, June 24, 2021 12:01 PM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Fabiola,

I am following up on this Enforcement Case. Have you and your team made any progress on the restrooms since I last checked in?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Thursday, May 27, 2021 9:19 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,
We're working with PGE to bring permanent service to the site.
I will absolutely let you know as soon as we make any progress or get an ETA.
Thanks,
F

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Thursday, May 27, 2021 7:17 AM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC

<priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Fabiola,

I am following up on the status of this Enforcement Case. Have you and your team been able to make any progress on the restroom since I last checked in?

Thank you very much and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Creech, John@BCDC

Sent: Friday, April 30, 2021 9:38 AM

To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Thank you very much for the update.

I will look forward to hearing from you when you are able to open the facilities. In the meantime, please provide pictures of the completed construction. Then, when the electric utilities have been finalized and the facilities are operable, please provide pictures of that as well.

Have a great weekend and please let me know if you have any questions.

Respectfully,
John

San Francisco Bay Conservation and Development Commission
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john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Friday, April 30, 2021 9:17 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,
The renovation project is complete. All of the ADA improvements and lighting have been installed. However, as discussed, the need for new utility connections is preventing us from operating the building. Applications for new service with PGE, MMWD, SRSD will be initiated shortly. Given the uncertainty of their turn around times, I would prefer to avoid issuing an 'opening' date for the restrooms. I'll continue to keep you up to speed on any progress made.
Thanks,
F

A. Fabiola Guillen | City of San Rafael
Sr. Project Manager
Department of Public Works
Cell 415.720.9588
Fabiola.GuillenUrfer@cityofsanrafael.org



[@SanRafaelDPW](#)

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Thursday, April 29, 2021 2:35 PM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good afternoon Fabiola,

I am following up on this Enforcement Case.
Have you and your team been able to make some progress since we last spoke about a month ago?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Thursday, March 4, 2021 10:12 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,

The interior renovation is going great. Unfortunately, like I mentioned, we are in the process of submitting new service applications with various utilities companies (PGE, MMWD and SRSD). The application process is going to take some time as well as the physical work by these entities. This will add to the completion date.

The good news is that plumbing and electrical inspections passed, the buildout of the restroom is well underway.

My estimate for reopening would be at least a few months (summer timeframe).

Thanks,

F

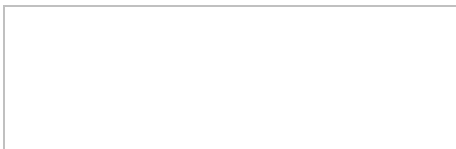
A. Fabiola Guillen | City of San Rafael

Sr. Project Manager

Department of Public Works

Cell 415.720.9588

Fabiola.GuillenUrfer@cityofsanrafael.org



[@SanRafaelDPW](#)

Please note: City Hall and all non-essential City facilities will be closed in accordance with the non-public safety [Furlough Schedule](#). Emergency Police and Fire services will still be available, and regular parking enforcement schedules will remain in effect during this time.

For questions about City services, as well as updates and resources visit www.cityofsanrafael.org/coronavirus.

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Thursday, March 4, 2021 10:06 AM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning,

I am following up on this Enforcement Case. Do you have any updates on the status of the bathroom rehabilitation?

Thank you very much and please let me know if you have any questions.

Respectfully,
John Creech

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>

Sent: Tuesday, February 16, 2021 4:20 PM

To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,

We are still under construction. We have discovered some unforeseen conditions due to old utilities but we are working through the issues. However, we need to involve PGE and MMWD. Response time for most agencies has been greatly impacted by Covid. I anticipate the duration of the project to be extended.

Please feel free to give me a call if you have any specific questions.

Thanks,

F

A. Fabiola Guillen | City of San Rafael
Sr. Project Manager
Department of Public Works

Cell 415.720.9588

Fabiola.GuillenUrfer@cityofsanrafael.org

“As a result of the County Public Health Order to Shelter-in-Place, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice.. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>.”



 [@SanRafaelDPW](#)

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Sent: Friday, February 12, 2021 9:23 AM

To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning,

I am following up on this Enforcement Case. Do you have any updates on the progress of the construction project?

Thank you and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Friday, January 29, 2021 10:04 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning, John,

We have started construction of the project. The contractor has framed the interior wall and is working on roughing the utilities right now. I'm anticipating it will be ready in a few weeks.

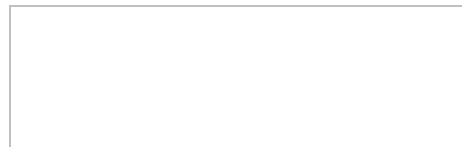
I can make a note to send you an update when we are done, if you'd like.

Thanks,

F

A. Fabiola Guillen | City of San Rafael
Sr. Project Manager
Department of Public Works
Cell 415.720.9588
Fabiola.GuillenUrfer@cityofsanrafael.org

"As a result of the County Public Health Order to Shelter-in-Place, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice.. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>."



 [@SanRafaelDPW](#)

From: Thomas Wong
Sent: Friday, January 29, 2021 9:57 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>; Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello John,

I am well and happy new year to you too.

We have started construction which is exciting, but I am copying the Faby, our project manager so she can provide more detail.

Thanks,
Thomas

Thomas Wong | City of San Rafael

Analyst

City Manager's Office

Office 415.458.5360

Thomas.Wong@cityofsanrafael.org



Note: As a result of COVID-19, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>.

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Sent: Friday, January 29, 2021 9:36 AM

To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Mr. Wong,

I hope you are well and had a happy new year.

I am following up on this Enforcement Case. How is the bathroom rehabilitation project progressing?

Thank you for your attention to this matter and please let me know if you have any questions.

Respectfully,

John

San Francisco Bay Conservation and Development Commission

Bay Area Metro Center

375 Beale St., Suite 510

San Francisco, CA 94105

Direct: (415) 352-3619

Main Number: (415) 352-3600

john.creech@bcdc.ca.gov

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From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Tuesday, December 8, 2020 9:06 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Will do, thanks!

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Tuesday, December 8, 2020 8:55 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Thank you very much for the update. I appreciate that you are on track to complete this restroom rehabilitation.

Please keep me updated as things progress.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

Exhibit 18

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From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Tuesday, December 8, 2020 8:52 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

No worries and thank you for clarifying that. I don't have any update but do believe we are still set to start by January 4th. I spoke to the project manager last week and was informed our contractor was in the process of obtaining a building permit.

Best,
Thomas

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Tuesday, December 8, 2020 8:48 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Mr. Wong,

I apologize for my confusion.

You are correct – the restrooms are the remaining item for this enforcement case. Do you have any updates at this time?

Thank you very much,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Tuesday, December 8, 2020 8:47 AM
To: Creech, John@BCDC <john.creech@bcdcc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdcc.ca.gov>
Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi Mr. Creech,

Can you elaborate on the path and what is required? I was under the impression that the bathroom rehabilitation was the only remaining item that needed to be complete.

Thanks,
Thomas

Thomas Wong | **City of San Rafael**
Analyst
City Manager's Office
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



Note: As a result of COVID-19, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>.

From: Creech, John@BCDC <john.creech@bcdcc.ca.gov>
Sent: Tuesday, December 8, 2020 8:34 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdcc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Mr. Wong,

I am following up on the status of the public access path maintenance. Do you have any updates at this time?

Thank you very much and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Monday, November 30, 2020 1:59 PM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,

Nice to meet you and thank you for reaching out to discuss our project.

I just asked for update from our project manager and they are working on the contract, bonding, and insurance for our selected contractor. We expect work to begin no later than January 4, 2021. We will advise when construction begins.

Regarding deeding the property back to our co-permittee, we are checking with them to see if

that is still something they are interested. I will let you know if that is something that we are interested in pursuing.

Best,
Thomas

Thomas Wong | City of San Rafael
Analyst
City Manager's Office
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



Note: As a result of COVID-19, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>.

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Tuesday, November 24, 2020 11:19 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Mr. Wong,

My name is John Creech and I am an Enforcement Analyst at San Francisco Bay Conservation and Development Commission (BCDC).

I understand you and my colleague Matthew Trujillo have been discussing upgrades to the bathrooms at Starkweather Shoreline Park as well as potentially deeding the land to Roots Construction. Matthew was tapped to perform Contact Tracing for COVID, so I have been assigned to this case.

Do you have any updates on the status of the restroom project at Starkweather Shoreline Park? Did the City of San Rafael further pursue deeding the land to a 3rd party?

Thank you very much, I will look forward to hearing from you soon.

Respectfully,

John Creech

Enforcement Analyst

San Francisco Bay Conservation and Development Commission

Bay Area Metro Center

375 Beale St., Suite 510

San Francisco, CA 94105

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From: [Shawn Graf](#)
To: Creech, John@BCDC; [Fabiola Guillen-Urfer](#)
Cc: [Thomas Wong](#)
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park
Date: Tuesday, March 1, 2022 2:28:12 PM

Hello John,

I spoke with PG&E this afternoon and they are sending over an invoice for the engineering advance before their estimating team can look at the project. She told me that their timeline for a construction contract is about 5 months from receiving payment and their construction crews are about 3 months out after the construction agreement gets executed.

We are also working with the water district and sanitation district on the wet utilities.

Thanks,

Shawn Graf, EIT, LSIT | City of San Rafael

Assistant Engineer

Department of Public Works

Phone: 415.458.5347

Shawn.Graf@cityofsanrafael.org



From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Tuesday, March 1, 2022 2:16 PM
To: [Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>](mailto:Fabiola.GuillenUrfer@cityofsanrafael.org)
Cc: [Thomas Wong <Thomas.Wong@cityofsanrafael.org>](mailto:Thomas.Wong@cityofsanrafael.org); [Shawn Graf <Shawn.Graf@cityofsanrafael.org>](#)
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Fabiola,

I am following up on this Enforcement Case. Have you and your team made any progress towards getting the restrooms restored?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
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Direct: (415) 352-3619
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john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Monday, December 6, 2021 9:12 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,
We continue to wait on utility companies for connection. We have not received any updates since our last email.
Shawn Graf is leading the effort and he checks in regularly with the various utilities companies.
We will keep you informed.
Thank you,

A. Fabiola Guillen | City of San Rafael
Sr. Project Manager
Department of Public Works
Cell 415.720.9588
Fabiola.GuillenUrfer@cityofsanrafael.org

Logo_on_white





[@SanRafaelDPW](#)

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Monday, December 6, 2021 8:47 AM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Fabiola,

I am following up on this Enforcement Case. Please provide a date with BCDC can expect the rehabilitation work at Starkweather Shoreline Park to be completed and public access fully restored.

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
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Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Creech, John@BCDC
Sent: Thursday, November 18, 2021 9:37 AM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Exhibit 19

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Fabiola,

I am following up on this Enforcement Case. Has City of San Rafael made progress towards getting Starkweather Shoreline Park rehabilitated and fully opened for the public? Have the appropriate utility companies provided the required maintenance?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
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Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>

Sent: Wednesday, October 13, 2021 4:33 PM

To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,

PG&E is behind with this service application. Shawn Graf, from Public Works, continues to work to

make progress with other aspects of the project. However, we are still on a holding pattern until the utilities companies provide service.

Regarding recent complaints, we received one a while ago regarding debris that was found by the temporary toilets. That complaint was tended to right away.

Other than that, I am not aware of any new complaints related to the landscaping or public access. If you have any specific information, please send it to us so that we can look into it.

Thank you,
Faby

A. Fabiola Guillen | City of San Rafael

Sr. Project Manager

Department of Public Works

Cell 415.720.9588

Fabiola.GuillenUrfer@cityofsanrafael.org

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Sent: Wednesday, October 13, 2021 10:20 AM

To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Fabiola,

I am following up on this enforcement case. When do you expect the restroom rehabilitation to be completed?

Additionally, do you have any updates on the other alleged violation that BCDC received that some required public access improvements have not been adequately maintained – namely the landscaping and public access paths?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
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From: Creech, John@BCDC
Sent: Friday, September 10, 2021 3:24 PM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello,

I am following up on this enforcement case. Do you have any updates?

Additionally, BCDC received an unsubstantiated report that some required public access improvements have not been adequately maintained – namely the landscaping and public access paths. When the restroom construction activities finish and you provide pictures documenting that the restrooms have been returned to service, please also provide pictures documenting that the other required public access improvements are being adequately maintained.

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
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Direct: (415) 352-3619
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john.creech@bcdca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Tuesday, August 3, 2021 3:58 PM
To: Creech, John@BCDC <john.creech@bcdca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,

The upgrades have been made but a new service application to PG&E was required as well as one for MMWD. At this time, because of Covid backlog and fire season kicking in, PG&E has a lead time of 16 weeks before they can process the application. Then some time to install service.

We'll keep you informed.

Thanks,

F

A. Fabiola Guillen | City of San Rafael

Sr. Project Manager

Department of Public Works

Cell 415.720.9588

Fabiola.GuillenUrfer@cityofsanrafael.org

Logo_on_white



[@SanRafaelDPW](#)

From: Creech, John@BCDC <john.creech@bcdca.gov>
Sent: Tuesday, August 03, 2021 2:48 PM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Fabiola,

Exhibit 19

I am checking in again on this Enforcement Case. Have you and your team been able to make progress towards completing the construction at Starkweather Park?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bccdc.ca.gov

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Cell 415.720.9588

Fabiola.GuillenUrfer@cityofsanrafael.org

Logo_on_white



[@SanRafaelDPW](#)

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Sent: Thursday, June 24, 2021 12:01 PM

To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Fabiola,

I am following up on this Enforcement Case. Have you and your team made any progress on the restrooms since I last checked in?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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sender and destroy all copies of the communication.

From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Thursday, May 27, 2021 9:19 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,
We're working with PGE to bring permanent service to the site.
I will absolutely let you know as soon as we make any progress or get an ETA.
Thanks,
F

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Thursday, May 27, 2021 7:17 AM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Fabiola,

I am following up on the status of this Enforcement Case. Have you and your team been able to make any progress on the restroom since I last checked in?

Thank you very much and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

Exhibit 19

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From: Creech, John@BCDC
Sent: Friday, April 30, 2021 9:38 AM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Thank you very much for the update.

I will look forward to hearing from you when you are able to open the facilities. In the meantime, please provide pictures of the completed construction. Then, when the electric utilities have been finalized and the facilities are operable, please provide pictures of that as well.

Have a great weekend and please let me know if you have any questions.

Respectfully,
John

San Francisco Bay Conservation and Development Commission
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375 Beale St., Suite 510
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john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Friday, April 30, 2021 9:17 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC

<priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,

The renovation project is complete. All of the ADA improvements and lighting have been installed. However, as discussed, the need for new utility connections is preventing us from operating the building. Applications for new service with PGE, MMWD, SRSD will be initiated shortly. Given the uncertainty of their turn around times, I would prefer to avoid issuing an 'opening' date for the restrooms. I'll continue to keep you up to speed on any progress made.

Thanks,

F

A. Fabiola Guillen | City of San Rafael

Sr. Project Manager

Department of Public Works

Cell 415.720.9588

Fabiola.GuillenUrfer@cityofsanrafael.org

Logo_on_white



[@SanRafaelDPW](#)

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Sent: Thursday, April 29, 2021 2:35 PM

To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good afternoon Fabiola,

I am following up on this Enforcement Case.

Have you and your team been able to make some progress since we last spoke about a month ago?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech

Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
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john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Thursday, March 4, 2021 10:12 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,

The interior renovation is going great. Unfortunately, like I mentioned, we are in the process of submitting new service applications with various utilities companies (PGE, MMWD and SRSD). The application process is going to take some time as well as the physical work by these entities. This will add to the completion date.

The good news is that plumbing and electrical inspections passed, the buildout of the restroom is well underway.

My estimate for reopening would be at least a few months (summer timeframe).

Thanks,

F

A. Fabiola Guillen | City of San Rafael
Sr. Project Manager
Department of Public Works
Cell 415.720.9588
Fabiola.GuillenUrfer@cityofsanrafael.org

Logo_on_white



@SanRafaelDPW

Please note: City Hall and all non-essential City facilities will be closed in accordance with the non-public safety [Furlough Schedule](#). Emergency Police and Fire services will still be available, and regular parking enforcement schedules will remain in effect during this time.

For questions about City services, as well as updates and resources visit www.cityofsanrafael.org/coronavirus.

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Sent: Thursday, March 4, 2021 10:06 AM

To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning,

I am following up on this Enforcement Case. Do you have any updates on the status of the bathroom rehabilitation?

Thank you very much and please let me know if you have any questions.

Respectfully,
John Creech

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
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Direct: (415) 352-3619
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john.creech@bcdc.ca.gov

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sender and destroy all copies of the communication.

From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Tuesday, February 16, 2021 4:20 PM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,

We are still under construction. We have discovered some unforeseen conditions due to old utilities but we are working through the issues. However, we need to involve PGE and MMWD. Response time for most agencies has been greatly impacted by Covid. I anticipate the duration of the project to be extended.

Please feel free to give me a call if you have any specific questions.

Thanks,

F

A. Fabiola Guillen | City of San Rafael

Sr. Project Manager

Department of Public Works

Cell 415.720.9588

Fabiola.GuillenUrfer@cityofsanrafael.org

"As a result of the County Public Health Order to Shelter-in-Place, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice.. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>."

Logo_on_white



[@SanRafaelDPW](#)

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Friday, February 12, 2021 9:23 AM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning,

I am following up on this Enforcement Case. Do you have any updates on the progress of the

construction project?

Thank you and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Friday, January 29, 2021 10:04 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning, John,

We have started construction of the project. The contractor has framed the interior wall and is working on roughing the utilities right now. I'm anticipating it will be ready in a few weeks.

I can make a note to send you an update when we are done, if you'd like.

Thanks,

F

A. Fabiola Guillen | City of San Rafael
Sr. Project Manager
Department of Public Works
Cell 415.720.9588
Fabiola.GuillenUrfer@cityofsanrafael.org

“As a result of the County Public Health Order to Shelter-in-Place, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice.. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>.”

Logo_on_white



[@SanRafaelDPW](#)

From: Thomas Wong

Sent: Friday, January 29, 2021 9:57 AM

To: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>; Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>

Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello John,

I am well and happy new year to you too.

We have started construction which is exciting, but I am copying the Faby, our project manager so she can provide more detail.

Thanks,
Thomas

Thomas Wong | City of San Rafael

Analyst

City Manager's Office

Office 415.458.5360

Thomas.Wong@cityofsanrafael.org



Note: As a result of COVID-19, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>.

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Sent: Friday, January 29, 2021 9:36 AM

Exhibit 19

To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Mr. Wong,

I hope you are well and had a happy new year.

I am following up on this Enforcement Case. How is the bathroom rehabilitation project progressing?

Thank you for your attention to this matter and please let me know if you have any questions.

Respectfully,
John

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Tuesday, December 8, 2020 9:06 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Will do, thanks!

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Tuesday, December 8, 2020 8:55 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Thank you very much for the update. I appreciate that you are on track to complete this restroom rehabilitation.

Please keep me updated as things progress.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Sent: Tuesday, December 8, 2020 8:52 AM

To: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

No worries and thank you for clarifying that. I don't have any update but do believe we are still set to start by January 4th. I spoke to the project manager last week and was informed our contractor was in the process of obtaining a building permit.

Best,
Thomas

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Sent: Tuesday, December 8, 2020 8:48 AM

To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Exhibit 19

Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Mr. Wong,

I apologize for my confusion.

You are correct – the restrooms are the remaining item for this enforcement case. Do you have any updates at this time?

Thank you very much,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Sent: Tuesday, December 8, 2020 8:47 AM

To: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi Mr. Creech,

Can you elaborate on the path and what is required? I was under the impression that the bathroom rehabilitation was the only remaining item that needed to be complete.

Thanks,

Thomas

Thomas Wong | City of San Rafael

Analyst

City Manager's Office

Office 415.458.5360

Thomas.Wong@cityofsanrafael.org

DPW_Logo - on white



Note: As a result of COVID-19, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>.

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Sent: Tuesday, December 8, 2020 8:34 AM

To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Mr. Wong,

I am following up on the status of the public access path maintenance. Do you have any updates at this time?

Thank you very much and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Monday, November 30, 2020 1:59 PM
To: Creech, John@BCDC <john.creech@bcdcc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdcc.ca.gov>
Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,

Nice to meet you and thank you for reaching out to discuss our project.

I just asked for update from our project manager and they are working on the contract, bonding, and insurance for our selected contractor. We expect work to begin no later than January 4, 2021. We will advise when construction begins.

Regarding deeding the property back to our co-permittee, we are checking with them to see if that is still something they are interested. I will let you know if that is something that we are interested in pursuing.

Best,
Thomas

Thomas Wong | **City of San Rafael**
Analyst
City Manager's Office
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org

DPW_Logo - on white



Note: As a result of COVID-19, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>.

From: Creech, John@BCDC <john.creech@bcdcc.ca.gov>
Sent: Tuesday, November 24, 2020 11:19 AM

Exhibit 19

To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Subject: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Mr. Wong,

My name is John Creech and I am an Enforcement Analyst at San Francisco Bay Conservation and Development Commission (BCDC).

I understand you and my colleague Matthew Trujillo have been discussing upgrades to the bathrooms at Starkweather Shoreline Park as well as potentially deeding the land to Roots Construction. Matthew was tapped to perform Contact Tracing for COVID, so I have been assigned to this case.

Do you have any updates on the status of the restroom project at Starkweather Shoreline Park? Did the City of San Rafael further pursue deeding the land to a 3rd party?

Thank you very much, I will look forward to hearing from you soon.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: [Shawn Graf](#)
To: [Creech, John@BCDC](mailto:Creech,John@BCDC); [Fabiola Guillen-Urfer](#)
Cc: [Trujillo, Matthew@BCDC](mailto:Trujillo,Matthew@BCDC)
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park
Date: Thursday, March 17, 2022 11:05:31 AM

John,

It all depends on PG&E's schedule and getting the wet utilities tied in. I would like to have the restroom opened in early 2023 based on the schedules for the utilities.

I have removed Thomas Wong as he no longer works for the Department of Public Works, he now works for the Fire Department.

Thanks,

Shawn Graf, EIT, LSIT | City of San Rafael

Assistant Engineer

Department of Public Works

Phone: 415.458.5347

Shawn.Graf@cityofsanrafael.org



From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Wednesday, March 16, 2022 3:14 PM
To: Shawn Graf <Shawn.Graf@cityofsanrafael.org>; Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Shawn,

Thank you for providing that context.

When do you projected that the public access will be opened and made available to the public?

Respectfully,

John Creech

Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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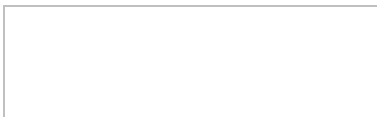
From: Shawn Graf <Shawn.Graf@cityofsanrafael.org>
Sent: Wednesday, March 16, 2022 11:01 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

John,

The 8-month timeline is based on PG&E's estimating, design, and construction schedule. There is currently no power to the restroom and to obtain power the City has to have PG&E drop power from a pole and run conductors and conduit from the pole to the restroom. We are working with SRSD on obtaining a sewer connection permit and with MMWD on obtaining a new water service as well. But the wet utilities don't have as long of lead times as PG&E.

Thanks,

Shawn Graf, EIT, LSIT | City of San Rafael
Assistant Engineer
Department of Public Works
Phone: 415.458.5347
Shawn.Graf@cityofsanrafael.org



From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Wednesday, March 16, 2022 10:55 AM
To: Shawn Graf <Shawn.Graf@cityofsanrafael.org>; Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Shawn,

I am following up on this Enforcement Case. I am sorry we missed each other's phone calls.

To clarify, did your e-mail state that the restrooms at the park will not be completed for 8 months at the soonest? Can you please help me understand why there will be such a long delay before the construction will be complete? What work is left to do?

I have been in communication with City of San Rafael since November of 2020, and this is the first I am hearing that there will be at least 8 more months of construction required to restore the public access. When does City of San Rafael expect to have the required public access restored?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Via Certified Mail and E-Mail

March 25, 2022

City of San Rafael
1400 Fifth Ave.
San Rafael, CA 94901
ATTN: Jim Schutz, City Manager & Bill Guerin, Director of Public Works
Email: jim.schutz@cityofsanrafael.org; bill.guerin@cityofsanrafael.org

Roots Construction Company, Inc.
2165-A Francisco Blvd. E
San Rafael, CA 94901
ATTN: Joe Shekou, CEO & Bob Herbst, Representative
Email: sapidrood@yahoo.com; rherbst@jhproperties.net

**Subject: BCDC Enforcement Case ER2015.024, Notice of Violations of BCDC Permit
1978.028.05**

Dear Mr. Jim Schutz and Mr. Bill Guerin:

I have been in contact with members of your Department of Public Works team since 2020 regarding the rehabilitation and re-opening of the required permanent public restroom at Jean and John Starkweather Shoreline Park in San Rafael. My latest correspondence with Shaun Graf, Assistant Engineer with City of San Rafael, indicated that the restroom will not be opened until 2023. Your BCDC permit 1978.028.03, Special Condition II.B.3.e., which was issued on June 13, 1979, and amended through December 9, 1983, states the following:

3. Improvements. In accordance with the phasing schedule set forth in Special Condition II-B-6, the permittee shall construct within the area reserved in Special Condition II-B-1 the following improvements:

- e. A permanent public restroom



City of San Rafael
Enforcement Case ER2015.024
BCDC Permit 1978.028.05

This permit requirement has not been met. Therefore, City of San Rafael has one permit violation.

Additionally, your permit authorization I.C. requires that the work authorized and required by permit 1978.028.05 was to be completed by July 15, 1985, unless an extension was granted. Our records indicate that a subsequent permit amendment request was neither submitted nor granted. Therefore, in order to move forward with new work occurring in BCDC's jurisdiction, or work that could adversely affect the required public access, City of San Rafael and Roots Construction must seek and obtain BCDC authorization prior to performing the work.

Additionally, Special Condition II.A. states that the project must be constructed pursuant to approved BCDC plans. If you install any new utilities or other items required to facilitate the restroom project that were not authorized previously in BCDC's jurisdiction, these items will require authorization.

Please provide BCDC with a comprehensive list and timeline of remaining steps required to complete the restroom project. We will do our best to work with you to provide authorizations for this work as appropriate. We need to understand the next series of steps, so staff can have the appropriate amount of pre-notice necessary for approval. Pursuant to BCDC Regulation 11386(e)(3), the applicable provisions of which are specified below, this letter initiates a penalty clock for the violation listed below with how it can be resolved. The City of San Rafael has 35 calendar days from the date of this letter to resolve the violations before fines begin to accrue. A detailed description of how fines accrue is attached to this letter in Appendix 1.

Violation One—Failure to provide the permanent public restroom as required by BCDC permit 1978.028.05, Special Condition II.B.3.e.

Staff recommendation to resolve violation: Provide the permanent public restroom for public access as required by your permit.

Please note that if this enforcement case has not been resolved with the permanent restroom open and made available for the general public to use by December 31, 2022, BCDC will move forward with formal enforcement proceedings which could result in fines of up to \$30,000.

Thank you for your attention to this matter and please let me know if you have any questions. We look forward to assisting you in resolving this enforcement case. You can reach me by phone at (415) 352-3619 or by email at john.creech@bcdc.ca.gov.

Sincerely,

DocuSigned by:

23F58B8AF9D341E...

JOHN CREECH
Enforcement Analyst



City of San Rafael
Enforcement Case ER2015.024
BCDC Permit 1978.028.05

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105
Tel: 415-352-3619
Email: john.creech@bcdc.ca.gov

AND

DocuSigned by:

Matthew A. Trujillo

01D29D76CC1B4FA...

MATTHEW TRUJILLO

Enforcement Policy Manager

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510

San Francisco, California 94105

Tel: 415-352-3600

Fax: 415-352-3633

Email: matthew.trujillo@bcdc.ca.gov

JC/mm

Encls. – 1. Appendix of Standardized Fines and Enforcement Options; and

cc: Brent Plater, BCDC Lead Enforcement Attorney, brent.plater@bcdc.ca.gov



City of San Rafael
Enforcement Case ER2015.024
BCDC Permit 1978.028.05

Appendix 1. Explanation of Standardized Fines Pursuant to Regulation § 11386

Pursuant to section 11386 of the BCDC's administrative regulations, you may resolve the penalty portion of each alleged violation by paying the standardized fines described below or you have the option to seek resolution through a formal enforcement proceeding that would involve a public hearing. If any of your actions are determined to be knowing and intentional violations or violate a term of a cease and desist order, the law (sections 66641.5(c) and 66641 of the McAteer-Petris Act, respectively) provides that we may refer this matter to the Office of the Attorney General, which could subject you to significant court imposed penalties.

Cease and Desist and Civil Penalty Order.

If you have not corrected all the alleged violations within 125 days of the date of this letter, you may no longer have the option to settle this matter with standardized fines and we may, pursuant to sections 66638 and 66641.5(e) of the McAteer-Petris Act, commence a formal enforcement proceeding that could lead to the issuance of a cease and desist and civil penalty order with an administratively imposed civil penalty of between \$10 and \$2,000 per day up to a maximum of \$30,000 per alleged violation.

§ 11386 (e)(3) For the failure to comply with any condition required by a Commission permit.

Standardized Fines.

If the alleged violation is fully corrected within thirty-five days of the date of this letter, then no civil penalty will apply. If corrected between 36 and 65 days after the date of the mailing of this letter, you may resolve the penalty portion of the alleged violation by paying a standardized fine of \$1,000 for each violation noted above. If corrected between 66 and 95 days after the date of the mailing of this letter, you may resolve the penalty portion of the alleged violation by paying a standardized fine of \$3,000 for each violation noted above. If corrected more than 95 days after the date of the mailing of this letter, you may resolve the penalty portion of the alleged violation by paying a standardized fine of \$3,000 for each violation noted above, plus \$100 per day per violation, from the 96th day to the date the required improvements are provided.



From: [Bill Guerin](#)
To: [Creech, John@BCDC](#); [Jim Schutz](#); [sapidrood@yahoo.com](#); [rherbst@jhproperties.net](#)
Cc: [Plater, Brent@BCDC](#); [Trujillo, Matthew@BCDC](#)
Subject: RE: BCDC Enforcement Case ER2015.024 City of San Rafael and Roots Construction
Date: Monday, March 28, 2022 3:53:51 PM

Thanks for this letter. We will respond in more detail soon. For your information, we have been engaged with BCDC for some time to improve and reactivate this bathroom. The bathroom has been upgraded including new equipment and ADA access. The sanitary force main on East Francisco Blvd is being replaced and we expect to connect into it as soon as it is complete this summer.

Bill Guerin
Director of Public Works
City of San Rafael
(415) 485-3110

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Friday, March 25, 2022 3:42 PM
To: Jim Schutz <Jim.Schutz@cityofsanrafael.org>; Bill Guerin <Bill.Guerin@cityofsanrafael.org>; sapidrood@yahoo.com; rherbst@jhproperties.net
Cc: Plater, Brent@BCDC <brent.plater@bcdc.ca.gov>; Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Subject: BCDC Enforcement Case ER2015.024 City of San Rafael and Roots Construction

Hello,

My name is John Creech and I am an Enforcement Analyst with the San Francisco Bay Conservation and Development Commission (BCDC). Please see attached for a Notice of Violations regarding violations of BCDC permit 1978.028.05. A copy of this letter has also been sent to you via certified mail.

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov



April 29, 2022,

File No: 6.08.61

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, CA 94105
Attn: John Creech, Enforcement Analyst

RE: Response to BCDC Enforcement Case ER2015.024, Notice of Violation of BCDC Permit 1978.028.05
Jean and John Starkweather Shoreline Park

Dear Mr. Creech:

We are in receipt of BCDC Notice of Violation of Permit 1978.028.05 dated March 25, 2022.

The City of San Rafael has been taking action to mitigate the listed alleged violations since 2019. Public Works has been in close communication with members of the BCDC team and getting their input throughout the process.

Please receive chronology below, as requested, providing details of the efforts that the City has been making to follow BCDC staff recommendation to complete the permanent public restroom:

On April 25, 2018, the San Francisco Bay Conservation and Development Commission re-issued permit No. 1978.028.05 to the City of San Rafael (refer to Attachment 1).

On September 2019, the City produced a set of construction documents to procure pricing and engage the services of a general contractor to make the necessary ADA (Americans with Disabilities Act) improvements to the restroom.

On August 2019, the drawings were sent to BCDC for review and comment.

BCDC returned the plans with a conditional approval pending the addition of a dual water bottle/drinking fountain in front of the restroom (refer to Attachment 2). The request was incorporated into the plans and resubmitted for final review in October 2019.

BCDC responded with a request for clarification on exterior lighting and how the City would make sure that the users could safely navigate to and about the structure to access the lavatory and the drinking facilities in the dark. The City responded and subsequently, BCDC requested a lighting radii study. This was produced and submitted by early December 2019.

BCDC agreed with the study presented by the City but requested to reach out to neighboring buildings and Police Department for input. Public Works received positive feedback from the Police Chief for the design. Negotiations with the neighboring property owners concluded in late January 2020.

In February 2020, the project went out to bid and the City received two competitive bids.

In March 2020, the shelter in place ordered was received. The City continued processing the contract with the lowest competitive bidder, David Royston Company. However, construction stalled as market uncertainty increased. The selected contractor was unable to start work due to lack of personnel and materials at the time. After seven months of communication and false construction starts, the contractor rescinded its bid indicating that the risk of construction was too great during the pandemic, and that they could not commence any new projects until further notice.

In November 2020, the City started new contract negotiations with the second responsible bidder, Argos Construction. The City reached an agreement with Argos and subsequently issued notice to proceed with construction.

The ADA upgrades and renovation of the Jean and John Starkweather Shoreline Park restroom were completed in late March 2021 (refer to Attachment 3).

During construction, it was discovered that the power source for the restroom was no longer viable due to it being a connection to another private development. A permit for new electric service was initiated with PG&E in July 2021. PG&E was not processing new applications for service and was only responding to emergencies related to the pandemic and ongoing shelter in place order at the time.

Following several months of negotiations with PG&E to prioritize the Shoreline Restroom project, we received confirmation in April 2022, that the project is on the PG&E fast flow process. The design is scheduled to be completed by late May 2022.

Once the design is complete, there will be a construction coordination meeting to install the permanent power to the building allowing the City to do its final connections.

If PG&E connections occur as anticipated, the restroom may potentially be fully functional and open to the public by late summer/early fall 2022.

We are confident that the project can be completed within the next several months, and certainly before the date of December 31, 2022 referenced in your letter to me dated March 25, 2022. We will provide proof of completion or request an on-site meeting/inspection from BCDC as soon as the restroom power is connected and the restroom opened to the public.

We appreciate your review and consideration.

Sincerely,



Bill Guerin
Public Works Director

Enclosures: Attachment 1-Re-issued permit No. 1978.028.05 dated 4/25/2018; Attachment 2-Conditional approval to restroom design email dated 12/2/2019; Attachment 3-Images of restroom renovation.

From: [Creech, John@BCDC](mailto:Creech,John@BCDC)
To: [Shawn Graf](#); [Fabiola Guillen-Urfer](#)
Cc: [April Miller](#); [Trujillo, Matthew@BCDC](mailto:Trujillo,Matthew@BCDC)
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park
Date: Wednesday, January 4, 2023 3:01:00 PM

Received.

Thank you very much for the call yesterday, and thank you for following up with this e-mail.

As I mentioned on the phone, the Notice of Alleged Violation letter regarding this enforcement case was sent on March 25, 2022. If this enforcement case is resolved by June 1, 2023, City of San Rafael will max out standardized fines at \$30,000.

Please continue to keep BCDC informed as the project is completed and the restroom is returned to service so we may move forward with resolving this enforcement case.

Thank you for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Compliance Officer

San Francisco Bay Conservation and Development Commission
375 Beale St., Suite 510
San Francisco, CA 94105
Phone: (415) 352-3619

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From: Shawn Graf <Shawn.Graf@cityofsanrafael.org>
Sent: Wednesday, January 4, 2023 2:35 PM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Cc: April Miller <April.Miller@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello John,

Thanks again for the call back yesterday, per our conversation the City has updated the restroom to ADA compliance, reinstalled the water service, rehabilitated the sewer lateral and replaced the sewer ejection pump, updated the electrical components, and have since installed a meter pedestal and bored conduit from the PG&E service pole.

The City is still waiting on PG&E to provide electrical service to the restroom, which is the last utility required for the restroom to be functional. The work performed by PG&E will consist of their crews setting a meter and pulling conductors into the conduit. They have given us an anticipated date for this work of March 2nd but that is weather dependent and will likely be pushed off due to the severity of this winter's storms. Considering PG&E's other work and typical weather related delays the City anticipates PG&E to have energized the restroom by the end of May.

Thanks,

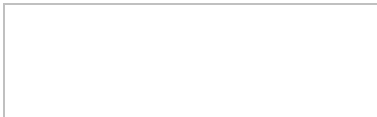
Shawn Graf, EIT, LSIT | City of San Rafael

Assistant Engineer

Department of Public Works

Phone: 415.458.5347

Shawn.Graf@cityofsanrafael.org



From: Shawn Graf

Sent: Thursday, March 17, 2022 11:05 AM

To: Creech, John@BCDC <john.creech@bcdcc.ca.gov>; Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>

Cc: Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdcc.ca.gov>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

John,

It all depends on PG&E's schedule and getting the wet utilities tied in. I would like to have the restroom opened in early 2023 based on the schedules for the utilities.

I have removed Thomas Wong as he no longer works for the Department of Public Works, he now works for the Fire Department.

Thanks,

Shawn Graf, EIT, LSIT | City of San Rafael

Assistant Engineer
Department of Public Works
Phone: 415.458.5347
Shawn.Graf@cityofsanrafael.org



From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Wednesday, March 16, 2022 3:14 PM
To: Shawn Graf <Shawn.Graf@cityofsanrafael.org>; Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Shawn,

Thank you for providing that context.

When do you projected that the public access will be opened and made available to the public?

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Shawn Graf <Shawn.Graf@cityofsanrafael.org>
Sent: Wednesday, March 16, 2022 11:01 AM
To: Creech, John@BCDC <john.creech@bcdca.gov>; Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

John,

The 8-month timeline is based on PG&E's estimating, design, and construction schedule. There is currently no power to the restroom and to obtain power the City has to have PG&E drop power from a pole and run conductors and conduit from the pole to the restroom. We are working with SRSD on obtaining a sewer connection permit and with MMWD on obtaining a new water service as well. But the wet utilities don't have as long of lead times as PG&E.

Thanks,

Shawn Graf, EIT, LSIT | City of San Rafael

Assistant Engineer

Department of Public Works

Phone: 415.458.5347

Shawn.Graf@cityofsanrafael.org



From: Creech, John@BCDC <john.creech@bcdca.gov>
Sent: Wednesday, March 16, 2022 10:55 AM
To: Shawn Graf <Shawn.Graf@cityofsanrafael.org>; Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Shawn,

I am following up on this Enforcement Case. I am sorry we missed each other's phone calls.

To clarify, did your e-mail state that the restrooms at the park will not be completed for 8 months at the soonest? Can you please help me understand why there will be such a long delay before the construction will be complete? What work is left to do?

I have been in communication with City of San Rafael since November of 2020, and this is the first I am hearing that there will be at least 8 more months of construction required to restore the public

access. When does City of San Rafael expect to have the required public access restored?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
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From: Shawn Graf <Shawn.Graf@cityofsanrafael.org>
Sent: Tuesday, March 1, 2022 2:28 PM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

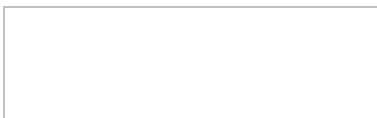
Hello John,

I spoke with PG&E this afternoon and they are sending over an invoice for the engineering advance before their estimating team can look at the project. She told me that their timeline for a construction contract is about 5 months from receiving payment and their construction crews are about 3 months out after the construction agreement gets executed.

We are also working with the water district and sanitation district on the wet utilities.

Thanks,
Shawn Graf, EIT, LSIT | City of San Rafael

Assistant Engineer
Department of Public Works
Phone: 415.458.5347
Shawn.Graf@cityofsanrafael.org



From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Tuesday, March 1, 2022 2:16 PM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Fabiola,

I am following up on this Enforcement Case. Have you and your team made any progress towards getting the restrooms restored?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

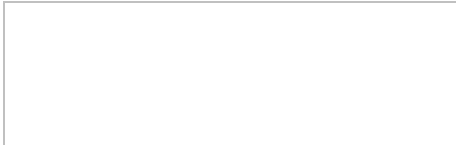
San Francisco Bay Conservation and Development Commission
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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Monday, December 6, 2021 9:12 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,
We continue to wait on utility companies for connection. We have not received any updates since our last email.
Shawn Graf is leading the effort and he checks in regularly with the various utilities companies. We will keep you informed.
Thank you,

A. Fabiola Guillen | City of San Rafael
Sr. Project Manager
Department of Public Works
Cell 415.720.9588
Fabiola.GuillenUrfer@cityofsanrafael.org



 [@SanRafaelDPW](#)

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Monday, December 6, 2021 8:47 AM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Fabiola,

I am following up on this Enforcement Case. Please provide a date with BCDC can expect the rehabilitation work at Starkweather Shoreline Park to be completed and public access fully restored.

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Creech, John@BCDC
Sent: Thursday, November 18, 2021 9:37 AM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Fabiola,

I am following up on this Enforcement Case. Has City of San Rafael made progress towards getting Starkweather Shoreline Park rehabilitated and fully opened for the public? Have the appropriate utility companies provided the required maintenance?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center

375 Beale St., Suite 510
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Direct: (415) 352-3619
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john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Wednesday, October 13, 2021 4:33 PM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,
PG&E is behind with this service application. Shawn Graf, from Public Works, continues to work to make progress with other aspects of the project. However, we are still on a holding pattern until the utilities companies provide service.
Regarding recent complaints, we received one a while ago regarding debris that was found by the temporary toilets. That complaint was tended to right away.
Other than that, I am not aware of any new complaints related to the landscaping or public access. If you have any specific information, please send it to us so that we can look into it.
Thank you,
Faby

A. Fabiola Guillen | City of San Rafael
Sr. Project Manager
Department of Public Works
Cell 415.720.9588
Fabiola.GuillenUrfer@cityofsanrafael.org

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Wednesday, October 13, 2021 10:20 AM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Fabiola,

I am following up on this enforcement case. When do you expect the restroom rehabilitation to be completed?

Additionally, do you have any updates on the other alleged violation that BCDC received that some required public access improvements have not been adequately maintained – namely the landscaping and public access paths?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
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john.creech@bcdc.ca.gov

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From: Creech, John@BCDC

Sent: Friday, September 10, 2021 3:24 PM

To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello,

I am following up on this enforcement case. Do you have any updates?

Additionally, BCDC received an unsubstantiated report that some required public access improvements have not been adequately maintained – namely the landscaping and public access paths. When the restroom construction activities finish and you provide pictures documenting that the restrooms have been returned to service, please also provide pictures documenting that the other required public access improvements are being adequately maintained.

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
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Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>

Sent: Tuesday, August 3, 2021 3:58 PM

To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Shawn Graf <Shawn.Graf@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,

The upgrades have been made but a new service application to PG&E was required as well as one for MMWD. At this time, because of Covid backlog and fire season kicking in, PG&E has a lead time of 16 weeks before they can process the application. Then some time to install service.

We'll keep you informed.

Thanks,

F

A. Fabiola Guillen | City of San Rafael

Sr. Project Manager

Department of Public Works

Cell 415.720.9588

Fabiola.GuillenUrfer@cityofsanrafael.org



[@SanRafaelDPW](#)

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Sent: Tuesday, August 03, 2021 2:48 PM

To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Fabiola,

I am checking in again on this Enforcement Case. Have you and your team been able to make progress towards completing the construction at Starkweather Park?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission

Bay Area Metro Center

375 Beale St., Suite 510

San Francisco, CA 94105

Direct: (415) 352-3619

Main Number: (415) 352-3600

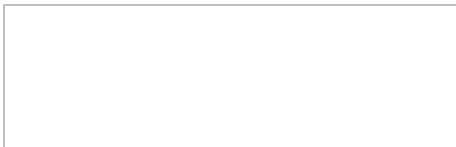
john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Monday, June 28, 2021 1:55 PM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,
I just heard from PG&E today asking for some more information to continue the new service application.
I don't have an anticipated completion date, but things are still moving along.
I'll let you know if/when I hear more.
Thanks,
F

A. Fabiola Guillen | City of San Rafael
Sr. Project Manager
Department of Public Works
Cell 415.720.9588
Fabiola.GuillenUrfer@cityofsanrafael.org



 [@SanRafaelDPW](https://www.instagram.com/SanRafaelDPW)

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Thursday, June 24, 2021 12:01 PM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hello Fabiola,

I am following up on this Enforcement Case. Have you and your team made any progress on the restrooms since I last checked in?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Thursday, May 27, 2021 9:19 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,
We're working with PGE to bring permanent service to the site.
I will absolutely let you know as soon as we make any progress or get an ETA.
Thanks,
F

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Thursday, May 27, 2021 7:17 AM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC

<priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Fabiola,

I am following up on the status of this Enforcement Case. Have you and your team been able to make any progress on the restroom since I last checked in?

Thank you very much and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Creech, John@BCDC

Sent: Friday, April 30, 2021 9:38 AM

To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Thank you very much for the update.

I will look forward to hearing from you when you are able to open the facilities. In the meantime, please provide pictures of the completed construction. Then, when the electric utilities have been finalized and the facilities are operable, please provide pictures of that as well.

Have a great weekend and please let me know if you have any questions.

Respectfully,
John

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Friday, April 30, 2021 9:17 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,
The renovation project is complete. All of the ADA improvements and lighting have been installed. However, as discussed, the need for new utility connections is preventing us from operating the building. Applications for new service with PGE, MMWD, SRSD will be initiated shortly. Given the uncertainty of their turn around times, I would prefer to avoid issuing an 'opening' date for the restrooms. I'll continue to keep you up to speed on any progress made.
Thanks,
F

A. Fabiola Guillen | City of San Rafael
Sr. Project Manager
Department of Public Works
Cell 415.720.9588
Fabiola.GuillenUrfer@cityofsanrafael.org



[@SanRafaelDPW](#)

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Thursday, April 29, 2021 2:35 PM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good afternoon Fabiola,

I am following up on this Enforcement Case.
Have you and your team been able to make some progress since we last spoke about a month ago?

Thank you very much for your attention to this matter and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Thursday, March 4, 2021 10:12 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,

The interior renovation is going great. Unfortunately, like I mentioned, we are in the process of submitting new service applications with various utilities companies (PGE, MMWD and SRSD). The application process is going to take some time as well as the physical work by these entities. This will add to the completion date.

The good news is that plumbing and electrical inspections passed, the buildout of the restroom is well underway.

My estimate for reopening would be at least a few months (summer timeframe).

Thanks,

F

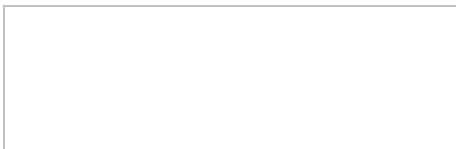
A. Fabiola Guillen | City of San Rafael

Sr. Project Manager

Department of Public Works

Cell 415.720.9588

Fabiola.GuillenUrfer@cityofsanrafael.org



[@SanRafaelDPW](#)

Please note: City Hall and all non-essential City facilities will be closed in accordance with the non-public safety [Furlough Schedule](#). Emergency Police and Fire services will still be available, and regular parking enforcement schedules will remain in effect during this time.

For questions about City services, as well as updates and resources visit www.cityofsanrafael.org/coronavirus.

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Thursday, March 4, 2021 10:06 AM
To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning,

I am following up on this Enforcement Case. Do you have any updates on the status of the bathroom rehabilitation?

Thank you very much and please let me know if you have any questions.

Respectfully,
John Creech

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>

Sent: Tuesday, February 16, 2021 4:20 PM

To: Creech, John@BCDC <john.creech@bcdc.ca.gov>; Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Cc: Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,

We are still under construction. We have discovered some unforeseen conditions due to old utilities but we are working through the issues. However, we need to involve PGE and MMWD. Response time for most agencies has been greatly impacted by Covid. I anticipate the duration of the project to be extended.

Please feel free to give me a call if you have any specific questions.

Thanks,

F

A. Fabiola Guillen | City of San Rafael
Sr. Project Manager
Department of Public Works

Cell 415.720.9588

Fabiola.GuillenUrfer@cityofsanrafael.org

“As a result of the County Public Health Order to Shelter-in-Place, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice.. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>.”



[@SanRafaelDPW](#)

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>

Sent: Friday, February 12, 2021 9:23 AM

To: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>; Thomas Wong <Thomas.Wong@cityofsanrafael.org>

Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>

Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning,

I am following up on this Enforcement Case. Do you have any updates on the progress of the construction project?

Thank you and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Sent: Friday, January 29, 2021 10:04 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>; Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning, John,

We have started construction of the project. The contractor has framed the interior wall and is working on roughing the utilities right now. I'm anticipating it will be ready in a few weeks.

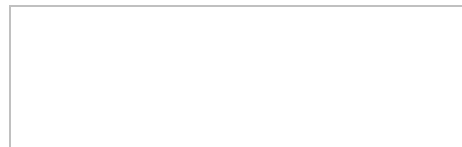
I can make a note to send you an update when we are done, if you'd like.

Thanks,

F

A. Fabiola Guillen | City of San Rafael
Sr. Project Manager
Department of Public Works
Cell 415.720.9588
Fabiola.GuillenUrfer@cityofsanrafael.org

"As a result of the County Public Health Order to Shelter-in-Place, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice.. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>."



 [@SanRafaelDPW](#)

From: Thomas Wong
Sent: Friday, January 29, 2021 9:57 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>; Fabiola Guillen-Urfer <Fabiola.GuillenUrfer@cityofsanrafael.org>
Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

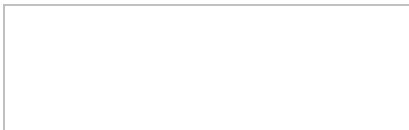
Hello John,

I am well and happy new year to you too.

We have started construction which is exciting, but I am copying the Faby, our project manager so she can provide more detail.

Thanks,
Thomas

Thomas Wong | City of San Rafael
Analyst
City Manager's Office
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



Note: As a result of COVID-19, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>.

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Friday, January 29, 2021 9:36 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Mr. Wong,

I hope you are well and had a happy new year.

I am following up on this Enforcement Case. How is the bathroom rehabilitation project progressing?

Thank you for your attention to this matter and please let me know if you have any questions.

Respectfully,
John

San Francisco Bay Conservation and Development Commission
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375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Tuesday, December 8, 2020 9:06 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Will do, thanks!

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Tuesday, December 8, 2020 8:55 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Thank you very much for the update. I appreciate that you are on track to complete this restroom rehabilitation.

Please keep me updated as things progress.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Tuesday, December 8, 2020 8:52 AM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

No worries and thank you for clarifying that. I don't have any update but do believe we are still set to start by January 4th. I spoke to the project manager last week and was informed our contractor was in the process of obtaining a building permit.

Best,
Thomas

From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Tuesday, December 8, 2020 8:48 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Mr. Wong,

I apologize for my confusion.

You are correct – the restrooms are the remaining item for this enforcement case. Do you have any updates at this time?

Thank you very much,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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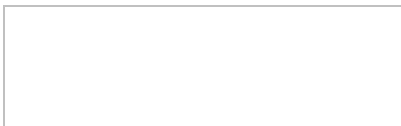
From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Tuesday, December 8, 2020 8:47 AM
To: Creech, John@BCDC <john.creech@bcdcc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdcc.ca.gov>
Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi Mr. Creech,

Can you elaborate on the path and what is required? I was under the impression that the bathroom rehabilitation was the only remaining item that needed to be complete.

Thanks,
Thomas

Thomas Wong | **City of San Rafael**
Analyst
City Manager's Office
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



Note: As a result of COVID-19, the City of San Rafael will be offering only essential services and City offices will be closed to general walk-in customer service until further notice. For San Rafael City Services questions, updates, and resources visit <https://www.cityofsanrafael.org/coronavirus>.

From: Creech, John@BCDC <john.creech@bcdcc.ca.gov>
Sent: Tuesday, December 8, 2020 8:34 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdcc.ca.gov>
Subject: RE: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Mr. Wong,

I am following up on the status of the public access path maintenance. Do you have any updates at this time?

Thank you very much and please let me know if you have any questions.

Respectfully,

John Creech
Enforcement Analyst

San Francisco Bay Conservation and Development Commission
Bay Area Metro Center
375 Beale St., Suite 510
San Francisco, CA 94105
Direct: (415) 352-3619
Main Number: (415) 352-3600
john.creech@bcdc.ca.gov

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From: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Sent: Monday, November 30, 2020 1:59 PM
To: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: Re: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Hi John,

Nice to meet you and thank you for reaching out to discuss our project.

I just asked for update from our project manager and they are working on the contract, bonding, and insurance for our selected contractor. We expect work to begin no later than January 4, 2021. We will advise when construction begins.

Regarding deeding the property back to our co-permittee, we are checking with them to see if

that is still something they are interested. I will let you know if that is something that we are interested in pursuing.

Best,
Thomas

Thomas Wong | City of San Rafael
Analyst
City Manager's Office
Office 415.458.5360
Thomas.Wong@cityofsanrafael.org



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From: Creech, John@BCDC <john.creech@bcdc.ca.gov>
Sent: Tuesday, November 24, 2020 11:19 AM
To: Thomas Wong <Thomas.Wong@cityofsanrafael.org>
Cc: Njuguna, Priscilla@BCDC <priscilla.njuguna@bcdc.ca.gov>
Subject: BCDC Enforcement Case ER 2015.024 - City of San Rafael Starkweather Shoreline Park

Good morning Mr. Wong,

My name is John Creech and I am an Enforcement Analyst at San Francisco Bay Conservation and Development Commission (BCDC).

I understand you and my colleague Matthew Trujillo have been discussing upgrades to the bathrooms at Starkweather Shoreline Park as well as potentially deeding the land to Roots Construction. Matthew was tapped to perform Contact Tracing for COVID, so I have been assigned to this case.

Do you have any updates on the status of the restroom project at Starkweather Shoreline Park? Did the City of San Rafael further pursue deeding the land to a 3rd party?

Thank you very much, I will look forward to hearing from you soon.

Respectfully,

John Creech

Enforcement Analyst

San Francisco Bay Conservation and Development Commission

Bay Area Metro Center

375 Beale St., Suite 510

San Francisco, CA 94105

Direct: (415) 352-3619

Main Number: (415) 352-3600

john.creech@bcdc.ca.gov

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Exhibit 25

Telephone Message and Conversation Notes

2024.01.16. Adrienne called Bill Guerin, whose voice mail states he has retired and that April Miller is new Director of Public Works. 415-485-3355. I left a message with the woman who answered asking A Miller to call me re the closed public restroom at Starkweather Park.

2024.01.18. Adrienne left a message for April Miller stating that I have been directed to escalate the matter and I'd like to know if restroom (RR) is open and, if so, to submit evidence, or if it is not. I left my contact information, as I did on Tuesday.

2024.01.18. Adrienne finds Thomas Wong's phone number on the Enforcement Report Form, who she reached. Thomas does not know the status. He was involved in proposal to impose reasonable rules and restrictions and the request to close the RR. He's not involved anymore and referred me to April and Fabiola.

2024.01.22. Fabiola and Adrienne speak by telephone for 25 minutes. At Fabiola's request, Adrienne explains the Comn's enforcement regulations and the reason BCDC is rescinding City's opp. to resolve with standard fines and escalating the case with issuance of the VR&C on Monday, that will result in a public hearing with the BCDC EC on 3/27 to order the City to open the RR. Fabiola agreed to accept standardized fine rescission letter via email.

Fabiola says that as soon as the easement is in place, PG&E can turn the power on so it's possible that restroom could be open by the time of the 3/27 hearing. She asks what would happen in this optimistic case. AK states that this is great news and that while the decision would be mgt's and legal's, she tentatively believes that would resolve the physical violation, preclude need for a cease and desist order but that a civil penalty, via a civil penalty order, would still be appropriate. She notes that the penalty via standardized fines is \$30K and will be the same via a civil penalty order as it is at the administrative maximum.

Fabiola says she believes the PG&E facility is located on Parcel 009-161-55. She states this property owner also needs an easement from the City and, therefore, there may be a mutual benefit to cooperation, so she's hopeful they will cooperate. But, she notes that if City is unsuccessful in negotiating an easement, the PG&E facility would need to be relocated off of private property and onto City property. Adrienne asks if negotiations on the City's easement have commenced to which Fabiola replies that they have not but that the City has set up a formal, sit-down meeting for next week.

2024.01.29. Adrienne called Fabiola to find out if RR that the City plans to provide is plumbed or if it a vault toilet, as approved. Fabiola says the City refurbished the existing building to construct a single, plumbed, all gender RR with a sink, plus new lighting around building and a dual height ADA drinking fountain. The existing RR building was gutted and reconstructed inside. The vault toilet approval was abandoned. Fabiola points Adrienne to an email dated August 2, 2019, from T Wong, where he mentions new plans. Adrienne says she saw that email but not the plans and thought the vault toilet was still the approved plans despite the fact that the record mentions a plumbed restroom. We acknowledged that sometimes attachments don't make it into the file. Adrienne requested a copy of the plans, and Fabiola agreed to submit them ASAP.

From: [Fabiola Guillen-Urfer](#)
To: [Klein, Adrienne@BCDC](#); [April Miller](#)
Cc: [Trujillo, Matthew@BCDC](#)
Subject: RE: 2024.01.18 Status of Starkweather park public restroom? (ER2015.024)
Date: Friday, January 19, 2024 12:36:00 PM

You don't often get email from fabiola.guillenurfer@cityofsanrafael.org. [Learn why this is important](#)

Hi Adrienne,

I left you a voice message this morning returning your call.

First, I want to apologize for the break in communication. Shawn Graf left the City a while ago and the project has been recently reassigned to me. I'll be your point of contact.

This is to confirm that the PG&E installation occurred last year after a long wait. Unfortunately, after the electrical work was completed, PGE noticed that the installation was done in the adjacent parcel, not the City's property. PGE won't energize the line until we get an agreement in the form of an easement with the property owner. We are working with the property owner to create an easement to have the power turned on.

I wanted to respond to you immediately, and I will do more research to provide you with as much information as possible on our efforts to complete the project.

Please give me a call anytime.

Thank you for your support.

Faby

A. Fabiola Guillen (she/her/hers) | City of San Rafael

Sr. Project Manager

Department of Public Works

Cell 415.720.9588

Fabiola.GuillenUrfer@cityofsanrafael.org



SAN RAFAEL
THE CITY WITH A MISSION



[@SanRafaelDPW](https://twitter.com/SanRafaelDPW)

Exhibit 26

From: Klein, Adrienne@BCDC <adrienne.klein@bcdc.ca.gov>
Sent: Thursday, January 18, 2024 3:25 PM
To: April Miller <april.miller@cityofsanrafael.org>
Cc: shawn.graf@cityofsanrafael.org; Fabiola Guillen-Urfer <fabiola.guillenurfer@cityofsanrafael.org>; Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Subject: 2024.01.18 Status of Starkweather park public restroom? (ER2015.024)

Dear Director of Public Works Miller,

I am writing to request a report on the status of the public restrooms at Starkweather Park in the City of San Rafael. Last January, the City informed John Creech by email that it was awaiting electrical service to the RR from PG&E. Has the meter been installed and the conductors pulled through the conduit and the restrooms subsequently opened to the public, signed and maintained? This was to have occurred in March 2023.

As mentioned today in a voice mail message to you, and another one to Fabiola, I have been directed to commence a formal enforcement proceeding to cause the RR to be opened if this has not already happened. Has Shawn Graf left their position as assistant engineer and if so, please let me know the new contact engineer.

Sincerely,

Adrienne Klein
415-352-3609

From: [Penny](#)
To: [Klein, Adrienne@BCDC](mailto:Klein,Adrienne@BCDC)
Subject: Re: 2024.01.18 External #2 Starkweather Park Public Restroom (ER2015.024.00)
Date: Monday, January 22, 2024 10:36:19 AM

You don't often get email from kayakqueen@msn.com. [Learn why this is important](#)

Hi Adrienne:

I went down to look at Starkweather Park Saturday (January 20th) morning. And come to think of it...I have been kayak launching there for a long time and I cannot remember that bathroom ever having been open. Before the installation of the grey porta potty people just used the bushes.

Penny

From: Klein, Adrienne@BCDC <adrienne.klein@bccdc.ca.gov>
Sent: Monday, January 22, 2024 9:07 AM
To: Penny <kayakqueen@msn.com>
Subject: Re: 2024.01.18 External #2 Starkweather Park Public Restroom (ER2015.024.00)

Penny,

Can you please let me know the date (and approximate time), that you too the two attached photos and conducted your site visit, please? Thank you, Adrienne

Also, if you know of parties who would wish to make provide comments to the BCDC Enforcement Committee regarding this matter, either orally, in person or online, or in writing, please send me their email addresses or share mine and have them email me directly with the subject line: Starkweather Park Public Restroom Interested Party (ER2015.024.00).

Sincerely,

Adrienne

From: Penny <kayakqueen@msn.com>
Date: Sunday, January 21, 2024 at 8:15 PM
To: Klein, Adrienne@BCDC <adrienne.klein@bccdc.ca.gov>
Subject: Re: 2024.01.18 External #2 Starkweather Park Public Restroom (ER2015.024.00)

You don't often get email from kayakqueen@msn.com. [Learn why this is important](#)

Hello Adrienne:

I went down to Starkweather Park to check on the bathroom situation for you. The temporary bathroom is still there and open and appears pretty well kept up. The permanent restrooms are still locked. Cobwebs on the doorknobs suggest that they've not been opened for quite some time.

I hope that helps. If you need anything else let me know!

Cheers and enjoy the rain!

Penny

From: Klein, Adrienne@BCDC <adrienne.klein@bcdc.ca.gov>
Sent: Thursday, January 18, 2024 5:11 PM
To: Penny <kayakqueen@msn.com>
Subject: 2024.01.18 External #2 Starkweather Park Public Restroom (ER2015.024.00)

Hello Penny, Thank you very much. The location is Starkweather Park off of Francisco Blvd near the Richmond San Rafael Bridge. Here is the BCDC permit and a few images. Photographs and a written statement of the time you visit and whether the RR is open would be much appreciated. Thanks again, Adrienne

From: Penny <kayakqueen@msn.com>
Sent: Thursday, January 18, 2024 4:53 PM
To: Klein, Adrienne@BCDC <adrienne.klein@bcdc.ca.gov>
Subject: Re: 2024.01.18 Starkweather Park Public Restroom (ER2015.024.00)

Hi Adrienne:

I'll be happy to go and photograph or whatever. Please let me know the location where this permit is for.

Thanks,

Penny Wells

kayakqueen@msn.com

From: Klein, Adrienne@BCDC <adrienne.klein@bcdc.ca.gov>
Sent: Thursday, January 18, 2024 4:48 PM
To: kayakqueen@msn.com <kayakqueen@msn.com>;
deborah@deborahboyar.com <deborah@deborahboyar.com>;
bbotkin@bayareametro.gov <bbotkin@bayareametro.gov>;
mgaffney@bayareametro.gov <mgaffney@bayareametro.gov>
Subject: 2024.01.18 Starkweather Park Public Restroom (ER2015.024.00)

Greetings,

I found your email addresses associated with a public hearing on a since-withdrawn request by the City of San Rafael to remove the public restroom from the public access requirements in BCDC Permit 1978.028.05. I am writing to ask if you know whether the public restroom is open for public use or not? Photographs and testimonials are welcome.

Thank you for your reply.

Sincerely,

Adrienne Klein
415-352-3609





San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190 State
of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Via E-mail Only

January 25, 2024

City of San Rafael
111 Morphew Street
San Rafael, CA 94901
ATTN: April Miller, Director of Public Works
Email: April.Miller@cityofsanrafael.org

SUBJECT: BCDC Enforcement Case ER2015.024.00: Notice of Termination of Opportunity to Resolve Violation with Standardized Fines

Dear April Miller:

Pursuant to BCDC regulation codified at Title 14 of the California Code of Regulations section 11390(d), this serves as notice that the Executive Director is terminating your opportunity to resolve this matter using BCDC's "standardized fines" process, because you have not maintained nor opened the closed restroom at Starkweather Park to the public since closing it more than three decades ago, as required by Special Condition B.4, Maintenance, of Permit No, 1978.028.05, either within 125 days of the first notice of violations mailed to you on November 21, 2016, nor within 125 days of the second notice of violations mailed to you on March 25, 2022.

As stated in an email dated January 18, 2024 (Attachment 1), BCDC staff will commence a formal enforcement proceeding by mailing a Violation Report and Complaint to you on Monday, January 29, 2024.

You can reach me by phone by calling 415-352-3609 or by email at adrienne.klein@bcdc.ca.gov.

Respectfully,

DocuSigned by:

7A7D306B857043F...
ADRIENNE KLEIN

Principal Enforcement Analyst
San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105
Tel: 415-352-3609
Email: adrienne.klein@bcdc.ca.gov

AK/mm

cc: Fabiola Guillen, Sr. Project Manager, Dept. of Public Works, City of San Rafael; fabiola.guillenurfer@cityofsanrafael.org
Cristine Alilovich, City Manager, City of San Rafael; cristine.alilovich@cityofsanrafael.org



January 25, 2024

City of San Rafael
Enforcement Case ER2021.024.00

Attachment 1

From: Klein, Adrienne@BCDC <adrienne.klein@bcdc.ca.gov>
Sent: Thursday, January 18, 2024 3:25 PM
To: April Miller <april.miller@cityofsanrafael.org>
Cc: shawn.graf@cityofsanrafael.org; Fabiola Guillen-Urfer <fabiola.guillenurfer@cityofsanrafael.org>;
Trujillo, Matthew@BCDC <Matthew.Trujillo@bcdc.ca.gov>
Subject: 2024.01.18 Status of Starkweather park public restroom? (ER2015.024)

Dear Director of Public Works Miller,

I am writing to request a report on the status of the public restrooms at Starkweather Park in the City of San Rafael. Last January, the City informed John Creech by email that it was awaiting electrical service to the RR from PG&E. Has the meter been installed and the conductors pulled through the conduit and the restrooms subsequently opened to the public, signed and maintained? This was to have occurred in March 2023.

As mentioned today in a voice mail message to you, and another one to Fabiola, I have been directed to commence a formal enforcement proceeding to cause the RR to be opened if this has not already happened. Has Shawn Graf left their position as assistant engineer and if so, please let me know the new contact engineer.

Sincerely,

Adrienne Klein
415-352-3609

Statement of Defense Form

Enforcement Case ER2015.024.00

City of San Rafael

FAILURE (1) TO COMPLETE THIS FORM, (2) TO INCLUDE WITH THE COMPLETED FORM ALL DOCUMENTS, DECLARATIONS UNDER PENALTY OF PERJURY, AND OTHER EVIDENCE YOU WANT PLACED IN THE RECORD AND TO BE CONSIDERED BY THE COMMISSION, (3) TO LIST ANY WITNESSES WHOSE DECLARATION IS PART OF THE STAFF'S CASE AS IDENTIFIED IN THE VIOLATION REPORT THAT YOU WISH TO CROSS-EXAMINE, THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE WITNESS, AND THE INFORMATION YOU HOPE TO ELICIT BY CROSS-EXAMINATION, AND (4) TO RETURN THE COMPLETED FORM AND ALL INCLUDED MATERIALS TO THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION STAFF OR TO CONTACT **ADRIENNE KLEIN** OR **MATTHEW TRUJILLO** OF THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF BY MARCH 5 2024, **MEANS THAT THE COMMISSION CAN REFUSE TO CONSIDER SUCH STATEMENTS AND EVIDENCE WHEN THE COMMISSION HEARS THIS MATTER.**

DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY NEVERTHELESS BE INITIATED AGAINST YOU, IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BE USED AGAINST YOU.

YOU MAY WISH TO CONSULT WITH OR RETAIN AN ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF.

This form is enclosed with a violation report. The violation report indicates that you may be responsible for or in some way involved in either a violation of the Commission's laws, a Commission permit, or a Commission cease and desist order. The violation report summarizes what the possible violation involves, who may be responsible for it, where and when it occurred, if the Commission staff is proposing any civil penalty and, if so, how much, and other pertinent information concerning the possible violation.

This form requires you to respond to the alleged facts contained in the violation report, to raise any affirmative defenses that you believe apply, to request any cross-examination that you believe necessary, and to inform the staff of all facts that you believe may exonerate you of any legal responsibility for the possible violation or may mitigate your responsibility. This form also requires you to enclose with the completed statement of defense form copies of all written documents, such as letters, photographs, maps drawings, etc. and written declarations under penalty of perjury that you want the Commission to consider as part of this enforcement hearing. This form also requires you to identify by name any person whom you may want to cross-examine prior to the enforcement hearing on this matter, the area of knowledge that you want to cover in the cross-examination, the nature of the testimony that you hope to elicit, and the reasons that you believe other means of producing this evidence are unsatisfactory. Finally, if the staff is only proposing a civil penalty, i.e., no issuance of either a cease or desist order or a permit revocation order, this form allows you alternatively to pay the proposed fine without contesting the matter subject to ratification of the amount by the Commission.

IF YOU WANT TO CROSS-EXAMINE ANY PERSON ON WHOSE TESTIMONY THE STAFF HAS RELIED IN THE VIOLATION REPORT, YOU MUST COMPLETE PARAGRAPH SEVEN TO THIS STATEMENT OF DEFENSE FORM. THIS PARAGRAPH REQUIRES YOU TO SET OUT (1) THE NAME(S) OF THE PERSON(S) YOU WANT TO CROSS-EXAMINE, (2) REFERENCES TO ANY DOCUMENTS ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (3) THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (4) THE INFORMATION THAT YOU BELIEVE CAN BE ELICITED BY CROSS-EXAMINATION, AND (5) THE REASON WHY YOU BELIEVE THIS INFORMATION CANNOT BE PRESENTED BY DECLARATION OR OTHER DOCUMENT.

You should complete the form as fully and accurately as you can as quickly as you can and return it no later than 35 days after its having been mailed to you to the Commission's enforcement staff at the address:

**San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105**

The forms should also be emailed to Margie Malan at margie.malan@bcd.ca.gov.

If you believe that you have good cause for not being able to complete this form within 35 days of its having been mailed, please complete it to the extent that you can and within 35 days of the mailing of the violation report send the statement of defense form completed as much as possible with a written explanation of what additional information you need to complete the form in its entirety, how long it will take to obtain the additional information needed to complete the form, and why it will take longer than 35 days to obtain the additional information, send all of this to the Commission's staff at the above address. Following this procedure does not mean that the Executive Director will automatically allow you to take the additional time to complete the form. Only if the Executive Director determines that you have shown good cause for the delay and have otherwise complete the form as much as is currently possible will be grant an extension to complete the form.

If the staff violation report that accompanied this statement of defense form included a proposed civil penalty, you may, if you wish, resolve the civil penalty aspect of the alleged violation by simply providing to the staff a certified cashier's check in the amount of the proposed fine within the 35-day time period. If you choose to follow this alternative, the Executive Director will cash your check and place a brief summary of the violation and proposed penalty along with a notation that you are choosing to pay the penalty rather than contesting it on an administrative permit listing. If no Commissioner objects to the amount of the penalty, your payment will resolve the civil penalty portion of the alleged violation. If a Commissioner objects to the proposed payment of the penalty, the Commission shall determine by a majority of those present and voting whether to let the proposed penalty stand. If such a majority votes to let the proposed penalty stand, your payment will resolve the civil penalty portion of the alleged violation. If such a majority does not let the proposed penalty stand, the Commission shall direct the staff to return the money paid to you and shall direct you to file your completed statement of defense form and all supporting documents within 35 days of the Commission's action. Of course, you also have the opportunity of contesting the fine from the outset by completing this form and filing it and all supporting documents within 35 days of its having been mailed to you.

If you have any questions, please contact as soon as possible **ADRIENNE KLEIN** of the Commission Enforcement Staff at telephone number **415-352-3609**.

1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report/Complaint):

2. Facts or allegations contained in the violation report that you deny (with specific reference to paragraph number in the violation report/Complaint):

3. Facts or allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report/Complaint):

4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can):

5. If the Executive Director is proposing that the Commission impose an administrative civil penalty as part of this enforcement proceeding and if you would be unable to pay the proposed penalty or paying the proposed penalty would have a substantial adverse effect on your ability to continue in business, provide factual information establishing such inability to pay or such adverse effect. Submit all relevant supporting documentation which may include but not limited to audited financial statements and reports (or if not audited, then those that are the basis of tax returns or regulatory filings), balance sheets, profit and loss statements, statements of net worth, annual budgets, bond prospectuses, and tax returns including supporting forms and schedules as may be applicable. Before submitting this information redact (cover or blackout) all personal information including your social security or tax-payer identification number, driver's license/state identification number, financial account number and any other private non-public personal information including a residential address, telephone numbers, or personal email address.

6. Any other information, statement, etc. that you want to make:

7. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):

8. Name of any person whose declaration under penalty of perjury was submitted with the violation report/complaint as being part of the staff's case who the respondent wants to cross-examine, identify all documents referred to in such person's declaration about which you want to cross-examine the person, the area or areas of information about which the respondent wants to cross-examine the person, and the information that the respondent hopes to elicit in cross-examination, and state the reason(s) why some other method of proving this information is unsatisfactory.

9. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

NOTE: Authority cited: Section 29418(c), Public Resources Code. Reference: Section 29418(c), Public Resources Code.

HISTORY

1. New section filed 5-18-87; operative 6-17-87 (Register 87, No. 30).

§ 11214. Designation of an Amendment as Minor.

(a) If the Executive Director intends to determine that a proposed amendment is minor, he or she shall notify the Commission of this intent by summarizing the proposed amendment and stating the intent as part of the administrative listing of administrative permits and consistency determinations that Section 10620 requires.

(b) The Executive Director shall send the listing to or shall otherwise notify in writing the County of Solano, the Cities of Benicia, Fairfield, and Suisun City, the Solano County Local Agency Formation Commission, the Solano County Mosquito Abatement District, the Suisun Resource Conservation District, the California Department of Fish and Game, the United States Fish and Wildlife Service, and the United States Bureau of Reclamation at least nine (9) working days before the meeting at which the Commission may comment on the listing.

(c) If two (2) or more members of the Commission object to the Executive Director's proposed determination that the proposed amendment is minor, the determination shall not become effective and the Commission shall process the amendment pursuant to Section 11212.

(d) If less than two (2) members of the Commission object to the Executive Director's proposed determination that the proposed amendment is minor, the proposed determination shall become effective and the amendment shall become effective on the tenth (10th) working day following the meeting at which the amendment was listed.

(e) The Executive Director shall give written notice of final action on the proposed amendment to the entity that proposed the amendment and to all persons who have requested in writing that they receive such notice.

NOTE: Authority cited: Section 29418(c), Public Resources Code. Reference: Section 29418(c), Public Resources Code.

HISTORY

1. New section filed 5-18-87; operative 6-17-87 (Register 87, No. 30).

§ 11215. Frequency of Amendments.

No local government, district, nor the Solano County Local Agency Formation Commission shall submit an amendment to the Commission or the Executive Director for certification more frequently than three (3) times during any calendar year.

NOTE: Authority cited: Section 29201(e), Public Resources Code. Reference: Section 29418, Government Code; and Section 65361, Government Code.

HISTORY

1. New section filed 5-18-87; operative 6-17-87 (Register 87, No. 30).

Chapter 13. Enforcement Procedures

Subchapter 1. General Provisions

§ 11300. Grounds for the Issuance of Cease and Desist Orders.

Any one of the following actions shall constitute grounds for the issuance by the Commission of a cease and desist order: (1) the undertaking or threat to undertake an activity that requires a Commission permit without having obtained a Commission permit, (2) the violation of a term or condition of a Commission permit, or (3) the inclusion of inaccurate information in a permit application or at the public hearing on the permit application.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66638, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11300 to Section 11301, and new Section 11300 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11301. Grounds for Permit Revocation.

Any one of the following actions shall be grounds for the complete or partial revocation of a Commission permit:

- (a) the violation of a term or condition of a permit,
- (b) the violation of a Commission cease and desist order or an Executive Director's cease and desist order, or
- (c) the inclusion of inaccurate information in a permit application or at the public hearing on a permit application.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(c), Public Resources Code. Reference: Sections 66638 and 66641(d), Government Code; Section 29601, Public Resources Code; and *Sunset Amusement Company v. Board of Police Commissioners* (1972) 7 Cal.3d 64, 80.

HISTORY

1. Renumbering and amendment of former Section 11301 to Section 11303, and renumbering and amendment of former Section 11300 to Section 11301 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Redesignation of former subsections (1)-(3) as subsections (a)-(c) and amendment of NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11302. Grounds for the Imposition of Administrative Civil Liability.

Any one of the following actions shall constitute grounds for the imposition of administrative civil liability by the Commission:

- (a) the undertaking of any activity that requires a Commission permit without having obtained the Commission permit or
- (b) the violation of any term or condition of a Commission permit.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(c), Public Resources Code. Reference: Sections 66641.5(e) and 66641.6, Government Code; and Sections 29610 and 29611, Public Resources Code.

HISTORY

1. New section filed 5-18-87; operative 6-17-87 (Register 87, No. 30).
2. Repealer and new section filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
3. Amendment of section heading, designation of former subsection (1)-(2) as subsection (a)-(b) and amendment of NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11303. Referral to the Attorney General by the Commission or the Executive Director.

(a) A violation of any one of the following shall be grounds for the referral of the violation by the Commission or the Executive Director to the Attorney General's Office without the Commission's having issued either a cease and desist order or a permit revocation order: (1) the McAteer-Petris Act, (2) the Suisun Marsh Preservation Act, (3) the Federal Coastal Zone Management Act, or (4) a term or condition of a Commission permit.

(b) In addition, a violation of either a Commission cease and desist order or a Commission permit revocation order shall also be grounds for the referral of the violation by either the Commission or the Executive Director to the Attorney General's Office.

(c) A referral made to the Attorney General's Office pursuant to subsections (a) and (b) may include any other unresolved, alleged violation including those of the type enumerated in Section 11390.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(c), Public Resources Code. Reference: Sections 66640(a), 66641(b) and 66642(a), Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Repealer of former Section 11303, and renumbering and amendment of former Section 11301 to Section 11303 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment filed 5-22-2003; operative 6-21-2003 (Register 2003, No. 21).
3. Amendment of subsection (c) and amendment of NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

Subchapter 2. Procedures for the Issuance of Cease and Desist Orders, Permit Revocation Orders, and Orders Setting Administrative Civil Liability

Article 1. Definitions

§ 11310. Definitions.

The following definitions are applicable to this chapter:

(a) "Complaint," as used in subsection (b) of Section 66641.6 of the Government Code, means the document that initiates the possible imposition of administrative civil liability by the Commission. A complaint shall contain the information required by Government Code Section 66641.6(b) and follow the format and include the information for a staff violation report/complaint as set out in Appendix H.

(b) "Enforcement committee," as used in this chapter, means a committee that the Commission has established pursuant to Commission resolution. The Chair shall appoint Commission members or other representatives of the Commission to the enforcement committee with the concurrence of the Commission to assist the Commission in carrying out its enforcement responsibilities. The enforcement committee shall consist of no fewer than four and no more than six Commission members or other representatives of the Commission. A quorum of the enforcement committee necessary to conduct business, to hold hearings and to vote on recommended enforcement decisions shall consist of three members notwithstanding the total number of enforcement committee members. The enforcement committee shall select from its members a chair, who shall serve for a period agreed upon by a majority of the enforcement committee members. The enforcement committee shall conduct its hearings in accordance with the Commission's laws and regulations upon matters referred to it by either the Executive Director or the Commission. The Chair of the Commission may change the members of the enforcement committee from time to time as necessary due to changes in membership of the Commission or to fill vacancies on the committee provided that the Chair notifies the Commission prior to such change at a Commission meeting and the Commission concurs.

(c) "Enforcement hearing," as used in this chapter, means any public hearing held before the enforcement committee or the Commission as part of a Commission enforcement proceeding.

(d) "Person," as used in Sections 66637 through 66642 of the Government Code and in this chapter, means any individual, firm, association, organization, partnership, business trust, corporation, company, or governmental agency.

(e) "Respondent," as used in this chapter, means a person to whom the Commission staff has issued a violation report or complaint and a statement of defense form in accordance with Section 11321(c).

(f) As used in this Chapter, "significant harm to the Bay's resources or to existing or future public access" shall be determined based on both the context and intensity of the violation.

(1) "Context" refers to the location of the violation and the characteristics of the area where it occurs. Areas with important environmental or ecological significance (e.g., habitat or refugia for sensitive species) are generally considered to be more significant than previously degraded habitat or areas with limited habitat value, and highly visible and/or frequently used areas are generally considered to be more significant than isolated areas with low visibility or infrequent usage.

(2) "Intensity" refers to the severity of the impact and the degree to which it affects the environment or public access. Violations presenting significant ecosystem hazards (e.g., toxic or biohazardous fill) or involving large portions of a particular site shall generally be considered to be more severe. In addition, violations that substantially interfere with the

ability to use designated public access or encompass large portions of a designated public access area will be considered to be more significant.

(3) Where multiple violations are alleged at a site, if a single violation results in harm that is individually limited but cumulatively significant when added to other violations at the site, it shall be determined that the violation has resulted in significant harm to the Bay's resources or to existing or future public access.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637, 66638, 66641.5(e), 66641.6 and 66643, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11310 to Section 11710, and renumbering and amendment of Section 11010 to Section 11310 filed 5-18-87; operative 6-17-87 (Register 87, No. 30). For prior history, see Registers 86, No. 39 and 73, No. 50.
2. Renumbering of former subsection (a) to subsection (c), repealer of former subsections (b) and (c), new subsections (a)-(d), and renumbering of former subsection (d) to subsection (f) filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
3. Amendment of subchapter heading, section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

Article 2. Commission Cease and Desist Orders, Permit Revocation Orders, and Orders Setting Administrative Civil Liability

§ 11320. Staff Investigation and Discovery, and Appointment of a Hearing Officer.

(a) As part of any enforcement investigation, the Executive Director may issue subpoenas and the staff may send interrogatories, conduct depositions, and inspect property at any time.

(b) At the request of the Executive Director or the chair of the enforcement committee, or on its own initiative, the Commission may appoint a hearing officer to conduct an investigation or hold a hearing, make proposed findings of fact, and recommend to the Commission what action it should take on an enforcement matter. A hearing officer appointed to hold an enforcement hearing shall proceed in accordance with the procedural requirements of Section 11327 and shall adopt a recommended enforcement decision in accordance with Section 11330.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 11180, 11181, 66637, 66638, 66641.5(e), 66641.6 and 66643, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Repealer of former Section 11320, and renumbering and amendment of former Section 11331 to Section 11320 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of article heading, section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11321. Commencing Commission Enforcement Proceedings.

(a) If the Executive Director believes, as a result of an enforcement investigation, that any person has caused or threatens to cause significant harm to the Bay's resources or to existing or future public access, or that the nature, circumstances, extent, and gravity of the violation or violations so warrant, the Executive Director shall commence Commission enforcement proceedings by issuing at least 45 days prior to holding an enforcement hearing on the matter the following materials to the last known address of each party that the Executive Director believes may be legally responsible in some manner for the alleged violation:

(1) a violation report that follows the format and contains the information set out in Appendix H,

(2) a complaint for administrative civil liability that follows the format and contains the information set out in Appendix H if the staff seeks civil penalties, and

(3) a statement of defense form that follows the format and requests the information set out in Appendix I. The violation report and complaint for administrative civil liability can be combined into a single document so long as it contains all the information required for both.

(b) The violation report and/or complaint shall list all documents, including any declarations under penalty of perjury, on which the staff relies to provide a prima facie case of the violations alleged and copies of all such documents shall be attached to or accompany the violation report and/or complaint or shall be provided to the respondent in electronic format upon request.

(c) Issuance of a violation report and/or complaint shall occur when the violation report and/or complaint is mailed by certified mail to all persons or entities named as a respondent in the violation report and/or complaint. Upon written consent of the respondent or respondent's authorized representative, a violation report and/or complaint shall be mailed to the respondent or the respondent's authorized representative by email.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Sections 29601, 29610 and 29611, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11330 to Section 11321 and Section 11322 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11322. Respondent's Required Response to the Violation Report or Complaint, the Executive Director's Consideration of the Respondent's Response, and Extensions of Time.

(a) Within thirty-five (35) days of the issuance of the violation report and/or complaint and the statement of defense form, each respondent shall submit to the Commission at its office an original and one copy of the completed statement of defense form (or an original and one copy of a document providing the information requested by the form) and an original (or verified copy) and one copy of all documents that the respondent wants to be made part of the record of the enforcement proceeding, including any declarations under penalty of perjury and any documentary evidence such as letters, photographs, and similar matters. Once submitted, all such declarations and documents shall be permanently retained by the Commission as part of the enforcement record.

(b) If a respondent believes that cross-examination of a person whose declaration under penalty of perjury has been submitted with the violation report and/or complaint is needed to show or contest a fact alleged in the violation report and/or complaint, the respondent shall request such cross-examination in the completed statement of defense form. The completed statement of defense form or an addendum shall list the name of each person whose declaration under penalty of perjury has been submitted with the violation report and/or complaint that the respondent wants to cross examine, all documents referred to in such person's declaration about which the respondent wants to cross-examine, a description of the area of knowledge about which the respondent wants to cross-examine the person, including a specific reference to the fact or information respondent disputes, the information that respondent believes can be elicited by cross-examination, and the reasons the respondent believes that the information can best be provided by cross-examination rather than by the submittal of declarations or other written evidence.

(c) Within 35 days of the issuance of a complaint for administrative civil liability and a statement of defense form, each respondent shall submit to the Commission at its office either (1) a certified cashier's check in the amount of the proposed administrative civil penalty or (2) the completed statement of defense form, copies of all documents that the respondent wants to be made part of the record of the enforcement proceeding in accordance with subsection (a), and any request to allow cross-examination in accordance with subsection (b).

(d) If the staff wants to cross-examine any person whose declaration under penalty of perjury has been submitted with a respondent's completed statement of defense form, the staff shall, within seven days of receiving the completed statement of defense form, mail to all respondents a list of all persons whose declaration under penalty of perjury has been submitted by respondent that the staff wants to cross examine, all docu-

ments referred to in such person's declaration about which staff wants to cross-examine the person, a description of the area or areas of knowledge about which the staff wants to cross-examine the witness, and the information that the staff hopes to elicit in cross-examination.

(e) If the Executive Director sends a violation report and a complaint for administrative civil liability together, paying the civil penalties will not release the respondent from the possible issuance of a cease and desist order or permit revocation order.

(f) If the Executive Director issues a violation report only, and not a complaint for administrative civil liability, the Executive Director shall for good cause extend the 35-day time limit imposed by subsection (a) upon receipt within the 35-day time limit of a written request for such extension and demonstration of good cause. If the Executive Director issues a violation report and complaint for administrative civil liability or only a complaint for administrative civil liability, the Executive Director shall for good cause extend the 35-day time limit imposed by paragraphs (a) and (c) of this section upon receipt within the 35-day time limit of a written request for such extension, demonstration of good cause, and waiver of and consent to extend the 60-day time limit for a hearing on the complaint under Government Code Section 66641.6(b). Any extension shall be valid only to those specific items or matters that the Executive Director identifies to the requesting party as being exempt from the 35-day filing requirement and shall be valid only for such additional time as the Executive Director allows.

(g) If a respondent responds to a complaint for administrative civil liability by submitting a cashier's check in the amount of the penalty proposed in the complaint to the Executive Director in a timely fashion, the Executive Director shall cash the check and list the violation, the amount of the proposed penalty, and the fact that the respondent has agreed to pay the penalty as part of the administrative permit listing within 30 days of receipt of the check.

(h) At the next Commission meeting after receiving the listing, the Commission can object to the amount of a proposed administrative civil penalty that a respondent has paid by voting by a majority of those present and voting. If the Commission so objects, the Executive Director shall return the respondent's money and the respondent shall submit his or her completed statement of defense form and supporting documents within 35 days of the Commission's action. Thereafter, the enforcement matter shall proceed according to these regulations.

(i) At any time after issuance of a violation report and/or complaint, the Executive Director and a respondent may agree on the terms of a proposed stipulated order or a proposed settlement agreement to resolve a violation or violations, which may include a schedule of corrective actions to be implemented by the respondent and payment of administrative civil penalties. The Executive Director shall include the proposed stipulated order or proposed settlement agreement in his or her recommended enforcement decision prepared in accordance with Section 11326. If the Commission fails to adopt the proposed stipulated order or proposed settlement agreement, and the respondent has not submitted a completed statement of defense form, copies of any supporting documents, and any request for cross-examination in accordance with subsections (a) and (b), the respondent shall submit his or her completed statement of defense form, copies of any supporting documents, and any request for cross-examination within 35 days of the Commission's failure to adopt the proposed stipulated order or proposed settlement agreement. Thereafter, the enforcement matter shall proceed according to these regulations. If the Commission fails to adopt the proposed stipulated order or proposed settlement agreement, and the respondent has previously submitted a completed statement of defense form, copies of any supporting documents, and any request for cross-examination, the Executive Director shall prepare a new recommended enforcement decision in accordance with Section 11326 within 30 days of the Commission's failure to adopt the proposed stipulated order or proposed settlement agreement, and thereafter, the enforcement matter shall proceed according to these regulations.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 11415.60, 66638,

66641.5(e) and 66641.6, Government Code; and Sections 29601, 29610 and 29611, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11330(d) to Section 11322 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section heading, section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11323. Distribution of Notice of Enforcement Hearings.

(a) At least ten (10) days prior to the initial enforcement hearing on a proposed Commission cease and desist order, a proposed permit revocation order, or a proposed Commission civil penalty order, whether held before the enforcement committee or the Commission the Executive Director shall mail by first class mail or send by email, and shall also make available on the Commission's website, a written notice of the date, time, and place of the initial enforcement hearing to all respondents at their last known address, the Deputy Attorney General advising the enforcement committee or Commission, and to all members of the public who have requested in writing that they receive such notice, provided that no notice need be mailed to the respondent if the respondent has already received notice of the hearing in a cease and desist order issued by the Executive Director. A meeting notice mailed and posted on the Commission's website pursuant to California Government Code Section 11125 will meet this notice requirement.

(b) After the initial enforcement hearing, notice of further enforcement hearings may be given by either announcing the date, time, and place of the further meeting on the record at the close of the preceding enforcement hearing or by mailing by first class mail or sending by email, and also making available on the Commission's website, written notice of the date, time, and place of the further meeting to all respondents at least 10 days prior to the further enforcement hearing.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of Former Section 11337 to Section 11323 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11324. Distribution of the Violation Report, Complaint, Statement of Defense Form(s), and Recommended Enforcement Decision.

At least ten (10) days prior to the enforcement hearing, the Executive Director shall make available on the Commission's website and shall mail by first class mail or send by email the following materials to each respondent, to the committee members if the enforcement hearing will be held before the enforcement committee or to the Commission if the enforcement hearing will be held before the Commission, and to the Deputy Attorney General advising the enforcement committee or Commission: (1) the violation report and/or complaint for administrative civil liability and all documents or other evidence cited therein or listed on an index of supporting documents or evidence attached thereto, (2) each completed statement of defense form and the enclosed exhibits, with a notation that indicates if any of the statements have been filed in an untimely fashion, and (3) a recommended enforcement decision that complies with Section 11326.

NOTE: Authority cited: Section 66632(f), Government Code and Section 29201(e), Public Resources Code. Reference: Sections 66638 and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11336 to Section 11324 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section heading, section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11325. Ex Parte Contacts. [Repealed]

NOTE: Authority cited: section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637-66638 and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11333 to Section 11325 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Repealer filed 12-27-2004; operative 1-26-2005 (Register 2004, No. 53).

§ 11326. Contents of an Executive Director's Recommended Enforcement Decision.

(a) The Executive Director shall prepare a recommended enforcement decision on a proposed Commission cease and desist order, a proposed permit revocation order, or a proposed order setting administrative civil liability.

(b) The Executive Director's recommended enforcement decision shall be in writing and shall include:

(1) a summary of (A) any background to the alleged violation, (B) the allegations made by staff in its violation report and/or complaint, (C) the allegations either admitted or not contested by respondent(s), and (D) all defenses and mitigating factors raised by the respondent(s);

(2) any staff response to the defenses, mitigating factors, or arguments raised by the respondent(s), and any rebuttal evidence submitted by the staff to matters raised in the statement of defense form, with references to supporting documents;

(3) a summary and analysis of all disputed issues;

(4) a recommended enforcement decision on a proposed order setting administrative civil liability shall identify all violations for which administrative civil penalties are proposed and include:

(A) the total amount of proposed administrative civil penalties; and

(B) a statement of the applicable factors set forth in Government Code Section 66641.9 that the Executive Director considered, consistent with the Administrative Civil Penalty Policy in Appendix J of these regulations, in determining the total amount of the proposed administrative civil penalties;

(5) a statement of whether the Executive Director has issued a cease and desist order and its expiration date;

(6) a recommendation on what action the Commission should take; and

(7) the proposed text of any cease and desist order, permit revocation order, order setting administrative civil liability, or stipulated order that the Executive Director recommends that the Commission issue or any settlement agreement that the Executive Director recommends that the Commission approve.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e), 66641.6 and 66641.9, Government Code; and Sections 29601, 29610 and 29611, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11335 to Section 11326 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11327. Enforcement Hearing Procedure.

Enforcement hearings shall proceed in the following manner:

(a) the Chair or enforcement committee chair shall announce the matter, ask all respondents or their attorneys present to identify themselves for the record, and announce any imposition of time limits for presentations to be made by the staff, the respondent(s), and the public at the hearing;

(b) the Chair or enforcement committee chair may impose time limits based on the circumstances of the alleged violation(s), the number of other items contained on the meeting agenda, the number of persons who intend to speak, and such other factors as the Chair believes relevant;

(c) the staff shall summarize the violation report and/or complaint for administrative civil liability and recommended enforcement decision with particular attention to limiting its presentation to issues of controversy;

(d) each respondent shall summarize its position(s) on the matter(s) relevant to the alleged violation or proposed order with particular attention to those issue(s) where an actual controversy exists between the staff and the respondent party or parties;

(e) members of the public may speak concerning the matter;

(f) presentations made by the staff, a respondent, and the public shall be limited to responding to (1) evidence already made part of the enforcement record and (2) the policy implications of such evidence; the enforcement committee or the Commission shall not allow oral testimony unless the committee or Commission believes that such testimony is essential to resolve any factual issues that remain unresolved after reviewing the existing written record and whose resolution is essential to determining whether a violation has occurred or to determining what remedy is appropriate. If the committee or Commission allows oral testimony, such testimony shall be taken under oath, and all representatives of the staff and all respondents shall be given a right to examine or cross-examine all witnesses who are allowed to testify;

(g) cross-examination of any witness whose declaration under penalty of perjury has become part of the enforcement record shall be permitted only if the party who wishes to cross-examine has identified in writing pursuant either to Section 11322(b) or Section 11322(d) the person to be cross-examined, the area or areas of information into which the cross-examination will delve, and the information sought to be uncovered. Following cross-examination of a witness whose declaration under penalty of perjury has become part of the enforcement record, a representative of the opposing party shall be entitled to examine the witness on the area or areas of information addressed during cross-examination. Neither cross-examination nor direct examination shall be allowed of any person who has not submitted a declaration under penalty of perjury which has become part of the enforcement record and who has not been identified in writing pursuant to either Section 11322(b) or Section 11322(d), including any member of the public who has commented on an enforcement matter or submitted information related to an alleged violation.

(h) enforcement committee members or Commissioners may ask questions at any time during the hearing or deliberations.

(i) the enforcement committee or Commission shall close the public hearing after the staff, all respondents, and the public have completed their presentations and committee members or Commissioners have completed their questioning;

(j) the enforcement committee or Commission shall rule on any objections to the admissibility of evidence or the acceptance of late evidence and identify any evidence submitted but rejected because it was not filed in a timely manner or in violation of Section 11328.

(k) the enforcement committee or Commission shall deliberate and vote on an enforcement matter; and

(l) if a hearing officer has been appointed for an enforcement matter, the hearing officer shall render a written decision that follows the format of an enforcement committee recommended enforcement decision in accordance with Section 11330 within 14 days of the closing of the enforcement hearing.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11328 to Section 11327 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11328. Acceptance of Late Evidence.

The introduction of surprise testimony and exhibits at enforcement hearings shall be discouraged. All documents and declarations under penalty of perjury shall be submitted with the violation report and/or complaint or the completed statement of defense form, except to the extent otherwise provided by Section 11322(d) or the Executive Director has extended the time for such submittal pursuant to Section 11322(f), or the Commission or enforcement committee admits the testimony into

the record pursuant to Section 11327(f) and this section. To this end, the Commission or the enforcement committee shall not accept into the record or consider any statement of defense form or any written evidence not filed in a timely manner unless the Commission or enforcement committee finds that (1) the person seeking to introduce the evidence made all reasonable efforts to obtain and submit the evidence in a timely manner but was unable to do so and would be substantially prejudiced if the evidence were not admitted and (2) no other party would suffer substantial prejudice by its admission.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. New section filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
2. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11329. Admissibility of Evidence.

(a) Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of such evidence over objection in civil actions.

(b) Hearsay evidence, including but not limited information provided by the public to the Commission or staff or in public comments, may be admitted and used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action or unless it is in the form of a declaration under penalty of perjury and the declarant is subject to cross-examination as provided in Sections 11322 and 11327.

(c) The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant or unduly repetitious evidence shall be excluded.

(d) The Chair or the enforcement committee chair shall have the final authority to determine whether any evidence whose admissibility is challenged by objection shall be admitted into evidence and become part of the record.

(e) In determining whether to admit testimony or exhibits into the record over objection, the Chair or the enforcement committee chair shall consult with the Deputy Attorney General advising the Commission or enforcement committee at the hearing.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; Section 29601, Public Resources Code; and Section 351, Evidence Code.

HISTORY

1. Renumbering and amendment of former section 11339 to section 11329 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of portions of subsection (a) to create new subsections (b) and (c) and relettering of former subsections (b) and (c) filed 9-3-92; operative 10-5-92 (Register 92, No. 36).
3. Amendment of subsections (b), (d) and (e) and amendment of NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11330. Adoption of an Enforcement Committee Recommended Enforcement Decision.

(a) After the enforcement committee has closed the enforcement hearing and completed its deliberations, it shall adopt a recommended enforcement decision, which shall include all of the following:

(1) a summary of (A) any background to the alleged violations, (B) the allegations made by staff in its violation report and/or complaint, (C) the allegations either admitted or not contested by respondent(s), (D) the defenses and mitigating factors raised by the respondent(s), and (E) the staff's response to the defenses, mitigating factors, or arguments raised by the respondent(s);

(2) a statement of any rulings by the enforcement committee;

(3) a recommended enforcement decision on a proposed order setting administrative civil liability shall identify the violations for which penalties are proposed and include:

(A) the total amount of proposed administrative civil penalties; and

(B) a statement of the applicable factors set forth in Government Code Section 66641.9 that the enforcement committee considered, consistent with the Administrative Civil Penalty Policy in Appendix J of these regulations, in determining the total amount of the proposed administrative civil penalties;

(4) a statement of whether the Executive Director has issued a cease and desist order and its expiration date;

(5) any further written report on or explanation of the enforcement proceedings as the enforcement committee believes is appropriate;

(6) a recommendation on what action the Commission should take; and

(7) the proposed text of any cease and desist order, permit revocation order, order setting administrative civil liability, or stipulated order that the enforcement committee recommends that the Commission issue or any settlement agreement that the enforcement committee recommends that the Commission approve.

(b) The enforcement committee can adopt with or without change the Executive Director's recommended enforcement decision. The chair of the enforcement committee shall direct Commission counsel to prepare the enforcement committee recommended enforcement decision, provided that: (1) Commission counsel shall submit the enforcement committee recommended enforcement decision to the respondent(s) by email for review not less than three days before the Executive Director mails the recommended decision to the Commission and respondent(s) in accordance with Section 11331; and (2) if the respondent(s) provides written comments on or objections to the recommended decision within two days of receipt thereof, the Executive Director may modify the recommended decision based on such comments or objections, if he or she determines that such modifications are appropriate, and shall include the respondent's comments or objections when mailing the recommended decision to the Commission and respondent(s) in accordance with Section 11331.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e), 66641.6 and 66641.9, Government Code; and Sections 29601, 29610 and 29611, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11330 to Section 11321 and 11322, and new Section 11330 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section heading, section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11331. Referral of the Recommended Enforcement Decision to the Commission.

At least ten (10) days prior to the Commission's consideration of a recommended enforcement decision referred to it either directly by the Executive Director or by the enforcement committee, the staff shall mail by first class mail or send by email, and shall also make available on the Commission's website, the recommended enforcement decision to all respondents, to all Commissioners, and to the Deputy Attorney General advising the Commission.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11331 to Section 11320, and new Section 11331 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11332. Commission Action on Recommended Enforcement Decision.

(a) Except as provided in subsection (c), when the Commission acts on a recommended enforcement decision, the Commission shall allow representatives of the staff, each respondent, and members of the public an opportunity to present their respective arguments or comments on the recommendation, subject to such reasonable time limits as the Chair may

impose and subject to a prohibition against the introduction of any new evidence unless the Commission proceeds either to remand the matter or hold a de novo evidentiary hearing.

(b) Thereafter, the Commission shall do one of the following:

(1) adopt the recommended enforcement decision without any change in any proposed cease and desist order, permit revocation order, or order setting administrative civil liability;

(2) either (A) dismiss the entire matter by voting not to issue any proposed cease and desist order, proposed permit revocation order, or proposed order setting administrative civil liability or (B) if the recommended enforcement decision includes one or more of a proposed cease and desist order, a proposed permit revocation order, and a proposed order setting administrative civil liability, adopt the recommended enforcement decision with regard to one or more proposed orders and dismiss the other proposed order(s) recommended in the recommended enforcement decision by voting not to issue them;

(3) remand the matter to the enforcement committee or the staff for further action as the Commission directs; or

(4) reject the recommended enforcement decision and decide to consider the entire matter de novo. In this event, the Commission shall continue the public hearing to the next available Commission meeting, when it shall proceed in accordance with the same procedural requirements as the Commission must follow under these regulations pursuant to Section 11327. As part of this de novo proceeding, the Commission can accept additional evidence only in compliance with Sections 11327 and 11328 or if the Commission provides the staff, all respondents, and the public a reasonable opportunity to review and respond to the additional evidence prior to the Commission's de novo review.

(c) If the respondent(s) agrees in writing to accept the recommended enforcement decision, and the Executive Director also agrees to accept the recommended decision, the Executive Director shall calendar the recommended enforcement decision as a consent item on a Commission meeting agenda. At the Commission meeting, after allowing public comment on the consent item the Commission shall determine by a majority of those commissioners present and voting whether to adopt the recommended enforcement decision on consent without any change and without any further proceedings. If a majority of those commissioners present and voting do not determine to adopt the recommended decision on consent, the Commission shall proceed to act on the matter in accordance with subsections (a) and (b).

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e), 66641.6 and 66641.9, Government Code; and Sections 29601, 29610 and 29611, Public Resources Code.

HISTORY

1. New section filed 5-18-87; operative 6-17-87 (Register 87, No. 30).
2. Repealer and new section filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
3. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11333. Commission Hearing Procedures on Direct Referral of an Enforcement Matter by the Executive Director.

The Executive Director shall determine whether to refer an enforcement matter to the Commission or to the enforcement committee. When the Executive Director refers an enforcement matter directly to the Commission, the Commission shall follow the procedures set out in Sections 11327 through 11329 and in Section 11334.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11333 to Section 11325, and new Section 11333 filed 10-11-89; operative 11-10-89 (Register 89, No. 30). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11334. Voting on a Proposed Commission Cease and Desist Order, a Proposed Commission Permit Revocation Order, or a Proposed Commission Order Setting Administrative Civil Liability.

(a) The Commission shall vote on a recommended enforcement decision, a proposed Commission cease and desist order, a proposed permit revocation order, or a proposed order setting administrative civil liability by roll call in alphabetical order except that the Chair shall vote last;

(b) Any member may change his or her vote at any time before the Chair announces the final tally; and

(c) The decision of whether or not to issue an order shall be by majority vote of those present and voting.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, and 66641.5(e) and 66641.6, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Repealer of former Section 11334, and renumbering and amendment of former Section 11341 to Section 11334 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section heading, subsection (a) and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11335. Staff Report and Recommendation. [Renumbered]

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637–66642, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11335 to Section 11326 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11336. Distribution of Staff Report and Recommendation. [Renumbered]

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637–66642, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11336 to Section 11324 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11337. Notice of Public Hearing. [Renumbered]

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(c), Public Resources Code. Reference: Sections 66637–66642, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11337 to Section 11323 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11338. Public Hearing Procedure. [Renumbered]

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637–66642, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11338 to Section 11327 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11339. Admissibility of Evidence. [Renumbered]

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 11513 and 66637–66642, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11339 to Section 11329 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11340. Contents of Cease and Desist Orders.

(a) Cease and desist orders shall be signed by the Executive Director and shall contain the following:

(1) a statement of whether the Executive Director is issuing the order pursuant to Section 66637 of the Government Code or the Commission is issuing the order pursuant to Section 66638 of the Government Code;

(2) the names of the person or persons who have undertaken or who are threatening to undertake the activity that is the subject of the order;

(3) identification of the property where the activity has been undertaken or may be undertaken;

(4) a description of the activity;

(5) the effective date of the order;

(6) the expiration date, if any, of the order;

(7) any terms, conditions, or other provisions necessary to bring the activity into compliance with the provisions of the McAteer–Petris Act, the Suisun Marsh Preservation Act, or a permit;

(8) written findings that (1) explain the decision to issue the order and (2) provide the factual and legal basis for the issuance of the order;

(9) in the case of an order issued by the Executive Director, notice of the date and place of any public hearing to be held on any cease and desist order proposed to be issued by the Commission relating to the same activity if the Executive Director has scheduled one;

(10) notice that a respondent may file with the superior court a petition for writ of mandate for review of the order pursuant to Section 1094.5 of the Code of Civil Procedure within thirty (30) days after service of a copy of the order; and

(11) such other provisions that the Commission has approved, including provisions relating to:

(A) a disclaimer of any effect of the order upon any duties, rights, or obligations under private agreements or under regulations of other public bodies;

(B) the obligation to conform strictly to the order and the consequences of the failure to do so; and

(C) the fact that the order does not constitute a recognition of property rights.

(b) A cease and desist order can be combined with a permit revocation order and/or an order setting administrative civil liability so long as the combined order contain all the information required under these regulations for each type of order.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66638, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Repealer of former Section 11340, and renumbering and amendment of former Section 11343 to Section 11340 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of subsection (b) and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11341. Modifications of Cease and Desist Orders Issued by the Executive Director.

The Executive Director may modify a cease and desist order that he or she has issued for good cause, but he or she shall not do so in a manner that extends the 90–day expiration period provided for in Section 66637 of the Government Code unless a respondent stipulates in writing to the extension. The Executive Director may, however, issue consecutive cease and desist orders for a persisting violation or a persisting threatened violation.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66637, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11341 to Section 11334, and renumbering and amendment of former Section 11344(a) to Section 11341 filed 10–11–89; operative 11–10–89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11342. Modification of Cease and Desist Orders Issued by the Commission.

The Executive Director may modify a cease and desist order issued by the Commission for good cause if the modification would not be a material alteration of the order.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(c), Public Resources Code. Reference: Section 66638, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11342 to Section 11370, and renumbering and amendment of former Section 11344(b) to Section 11342 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11343. Appeal from the Modification of a Commission Cease and Desist Order.

(a) A person who has been personally served with a Commission cease and desist order or to whom the Commission has mailed by certified mail a cease and desist order and to whom the order is directed may appeal to the Commission any modification of the order by the Executive Director by filing a written statement that the party is appealing the modification and the reasons for the appeal.

(b) If the appeal is filed within ten days of the personal service or mailing by certified mail of the modification to the order, the appeal shall stay the effect of the modification, but the previously effective order shall remain in effect.

(c) Appeals of modifications of a cease and desist order by the Executive Director cannot be filed more than ten days after the personal service or mailing by certified mail of the modification.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66638, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11343 to Section 11340, and renumbering and amendment of former Section 11344(c) to Section 11343 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.
2. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

**§ 11344. Amendments to Cease and Desist Orders.
[Renumbered]**

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637-66642, Government Code; Section 29601, Public Resources Code; and *Bel Mar Estates v. California Coastal Commission* (1981) Cal. App. 3d 936, 940.

HISTORY

1. Renumbering and amendment of former Section 11344 to Sections 11341, 11342, and 11343 filed 10-11-89; operative 11-10-89 (Register 89, No. 43). For prior history, see Register 87, No. 30.

§ 11350. Contents of Permit Revocation Orders.

(a) Commission permit revocation orders shall be signed by the Executive Director and shall contain the following:

(1) the names of the person or persons who have violated a term or condition of a Commission permit or a Commission cease and desist order or who have misstated any information on a permit application or at a public hearing;

(2) an identification of the term or condition of a permit or a cease and desist order that was violated, or the information that was misstated on the permit application;

(3) the effective date of the order;

(4) the work and uses that are no longer authorized and the date by which any corrective actions or termination of uses must occur;

(5) any terms, conditions, or other provisions that the Commission may determine that, if complied with, could avoid revocation of the permit;

(6) written findings that (A) explain the decision to issue the permit revocation order and (B) provide the factual and legal basis for the issuance of the order;

(7) notice that an aggrieved party can file with the superior court a petition for a writ of mandate for review of the order pursuant to Section 1094.5 of the Code of Civil Procedure.

(b) A permit revocation order can be combined with a cease and desist order and/or an order setting administrative civil liability so long as the combined order contains all the information required by these regulations for each type of order.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66638, Government Code; Section 29601, Public Resources Code; and *Sunset Amusement Company v. Board of Police Commissioners* (1972) 7 Cal.3d 64, 80.

HISTORY

1. New section filed 5-18-87; operative 6-17-87 (Register 87, No. 30).
2. Amendment filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
3. Amendment of subsections (a)(2) and (b) and amendment of NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11351. Modification of Permit Revocation Orders.

The Executive Director may modify a permit revocation order for good cause if the modification would not materially change the order.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66638, Government Code; and Sections 29600 and 29601, Public Resources Code.

HISTORY

1. New section filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
2. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11352. Appeal from Modification of a Permit Revocation Order.

(a) A person to whom the Commission has issued a permit revocation order may appeal to the Commission any modification of the order by the Executive Director by filing within ten (10) days of the date of the personal service or mailing by certified mail of the modification a written statement that the party is appealing the modification and the reasons for the appeal.

(b) If the appeal is filed within ten days of the personal service or mailing by certified mail of the modification to the order, the appeal shall stay the effect of the modification, but the previously effective order shall remain in effect.

(c) Appeals of modifications of a permit revocation order by the Executive Director cannot be filed more than ten days after the personal service or mailing by certified mail of the modification.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66638, Government Code; and Section 29601, Public Resources Code.

HISTORY

1. New section filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
2. Amendment of subsections (b)-(c) and amendment of NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11360. Preparation and Execution of Commission Cease and Desist Orders, Permit Revocation Orders, and Orders Setting Administrative Civil Liability.

The Executive Director shall prepare and sign a cease and desist order, a permit revocation order, or an order setting administrative civil liability authorized by the Commission no later than the fifth (5th) working day following approval.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66641.5(e) and 66641.6, Government Code; and Sections 29601, 29610 and 29611, Public Resources Code.

HISTORY

1. Renumbering and amendment of Section 11051 to Section 11360 filed 5-18-87; operative 6-17-87 (Register 87, No. 30). For prior history, see Register 73, No. 50.
2. Amendment of section heading, section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11361. Issuance.

"Issuance" of a cease and desist order, a permit revocation order, an order setting administrative civil liability, or of any modification of such orders, is complete when the Executive Director executes the original copy of the order or modification and it is stamped "Issued BCDC" with the date.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637, 66638, 66641.5(e) and 66641.6, Government Code; and Sections 29600 and 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of Section 11050 to Section 11361 filed 5-18-87; operative 6-17-87 (Register 87, No. 30). For prior history, see Register 73, No. 50.
2. Amendment filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
3. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11362. Service of Copies.

(a) Persons to Whom the Order or Modification is Issued. The Executive Director shall cause to be personally served or mailed by certified mail an original copy of a cease and desist order, a permit revocation order, and of any modification of such orders to each person to whom the order or modification is being issued and the owner of the property on which any violation addressed by the order occurred no later than the second working day following the date of issuance, except that with the written consent of the party to be served, the Executive Director shall serve any such order or order modification by email. The Executive Director shall cause to be personally served or mail by registered mail an order setting administrative civil liability or modification to such order to each person to whom the order is being issued no later than the second working day following the date of issuance, except that with the written consent of the party to be served, the Executive Director shall serve any such order or modification by email.

(b) Other Interested Persons. The Executive Director shall personally serve on or shall mail by certified mail a copy of a cease and desist order or a permit revocation order authorized by the Commission and of any modification of such an order to each person who appeared at the hearing and submitted a written request for a copy no later than the second working day following the date of issuance, except that with the written consent of the party to be served, the Executive Director shall serve any such order or order modification by email. The Executive Director shall cause to be personally served or mail by registered mail an order setting administrative civil liability or modification to such order to each person who appeared at the hearing and submitted a written request for a copy, except that with the consent of the party to be served, the Executive Director shall serve any such order or order modification by email. In addition, the Executive Director shall post on the Commission's website a copy of a cease and desist order, permit revocation order, or an order setting administrative civil liability, or any modification of such orders no later than the second working day following issuance.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66637, 66638, 66641.5(e) and 66641.6, Government Code; and Sections 29600 and 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of Section 11052 to Section 11362 filed 5-18-87; operative 6-17-87 (Register 87, No. 30). For prior history, see Register 73, No. 50.
2. Amendment filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
3. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11370. Enforcement Record.

The record of an enforcement proceeding shall consist of

- (a) the violation report, including all documents referred to in the report;
- (b) any complaint for administrative civil liability;
- (c) all timely filed statement of defense form(s), including all documents submitted therewith;
- (d) all untimely filed statement of defense forms that have nevertheless been admitted into evidence;
- (e) the Executive Director's recommended enforcement decision, including all documents and any other evidence referred to or included in the recommendation;
- (f) minutes or a verbatim transcript of all enforcement committee and Commission enforcement hearings and deliberations, provided, that if any oral testimony or any cross-examination and direct examination of a person whose declaration under penalty of perjury has become part of

the enforcement record is allowed at the enforcement hearing, a verbatim transcript of such testimony shall also be included;

(g) all evidence submitted but rejected because it was not filed in a timely manner or violated Section 11328, with a notation that it was rejected and is included in the record only so that a reviewing court will know what evidence was rejected;

(h) any enforcement committee's or hearing officer's recommended enforcement decision,

(i) any order that the Commission issues,

(j) such other permit or other Commission files as have explicitly been made a part of the record,

(k) the McAteer-Petris Act, if relevant to any of the issues raised in the proceeding,

(l) the San Francisco Bay Plan, if relevant to any of the issues raised in the proceeding,

(m) the Suisun Marsh Preservation Act, if relevant to any of the issues raised in the proceeding,

(n) the Suisun Marsh Protection Plan, if relevant to any of the issues raised in the proceeding,

(o) the Suisun Marsh Local Protection Program, if relevant to any of the issues raised in the proceeding, and

(p) the Commission's regulations.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66638, 66640, 66641.5(e), 66641.6 and 66641.7, Government Code; and Sections 29600 and 29601, Public Resources Code.

HISTORY

1. Renumbering and amendment of former Section 11342 to Section 11370 filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
2. Amendment of section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11380. Content of Complaint for Administrative Civil Liability.

The complaint shall follow the format and contain the information set out in Appendix H to these regulations. The complaint shall identify the violations for which administrative civil penalties are proposed and include:

(a) a list or table of all alleged violations for which staff is proposing a penalty;

(b) the total amount of proposed administrative civil penalties; and

(c) a statement of the applicable factors set forth in Government Code Section 66641.9 that the Executive Director considered, consistent with the Administrative Civil Penalty Policy in Appendix J of these regulations, in determining the total amount of the proposed administrative civil penalties;

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Sections 66641.5(e), 66641.6 and 66641.9, Government Code; and Sections 29610 and 29611, Public Resources Code.

HISTORY

1. New section filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
2. Amendment of section heading, section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11381. Commission Hearing on Complaint for Administrative Civil Liability.

(a) The Commission shall comply with the requirements of Cal. Govt. Code Section 66641.6(b) by either: (1) hearing the matter itself within 60 days of the service of the complaint; or (2) by having the enforcement committee hold a hearing within 60 days of the service of the complaint. With the written consent of the respondent(s) to whom a complaint is issued, the Executive Director shall for good cause extend the 60-day time limit for a hearing on the complaint under Government Code Section 66641.6(b).

(b) The Executive Director shall determine whether to refer a complaint for administrative civil liability to the Commission or to the enforcement committee.

(c) When the Executive Director determines whether to refer a complaint to the Commission or to the enforcement committee, he or she shall consider the following factors:

(1) the time that it would take the Commission or enforcement committee to complete consideration of the complaint,

(2) whether the Executive Director has issued a cease and desist order for the violation or violations alleged in the complaint, and whether the Executive has proposed that any order setting administrative civil liability be combined with a Commission cease and desist order and/or a permit revocation order,

(3) the relative workloads of the Commission and the enforcement committee at the time,

(4) whether the complaint involves any policy issues that should be determined by the Commission initially,

(5) whether the Commission or the enforcement committee has already heard any enforcement matter that is related to the complaint, and

(6) any request by the Commission that it hear the matter directly.

NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66641.5(e) and 66641.6, Government Code.

HISTORY

1. New section filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
2. Amendment of section heading, section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11382. Further Procedures for Commission Review of Complaints for Administrative Civil Liability.

The Commission shall follow the procedures established by Sections 11321 through 11334 of these regulations when it considers a recommended enforcement decision from either the staff or the enforcement committee relative to the possible imposition of administrative civil liability.

NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66641.5(e), 66641.6 and 66641.9, Government Code.

HISTORY

1. New section filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
2. Amendment of section heading, section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11383. Contents of a Commission Order Setting Administrative Civil Liability.

(a) A Commission order setting administrative civil liability shall be signed by the Executive Director and shall contain the following:

(1) the name(s) of the person(s) required to pay the civil penalties;

(2) the amount of the civil penalties and findings that address the applicable factors set forth in Government Code Section 66641.9 that the Commission considered in determining the amount of the civil penalties;

(3) the date by which the civil penalties must be paid in full, or, if the penalties are to be paid in installments, the amount of each installment and the date by which each installment must be paid;

(4) written findings that (1) explain the decision to issue the order setting administrative civil liability and (2) provide the factual and legal basis for the issuance of the order, and

(5) notice that a person to whom the Commission issues an order setting administrative civil liability may file with the superior court a petition for writ of mandate for review of the order pursuant to Section 1094.5 of the Code of Civil Procedure within thirty (30) days after service of a copy of the order.

(b) An order setting administrative civil liability can be combined with a cease and desist order or a permit revocation order so long as the combined order contains all the information required under these regulations for each type of order.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(c), Public Resources Code. Reference: Sections 66641.5(e), 66641.6 and 66641.9, Government Code; and Sections 29610 and 29611, Public Resources Code.

HISTORY

1. New section filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
2. Amendment of section heading, section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11384. Modification of a Commission Order Setting Administrative Civil Liability.

The Executive Director may modify an order setting administrative civil liability for good cause if the modification would not alter the total amount of the civil penalties or otherwise materially change the order.

NOTE: Authority cited: Section 66632(f), Government Code. Reference: Sections 66641.5(e), 66641.6 and 66641.9, Government Code.

HISTORY

1. New section filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
2. Amendment of section heading, section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11385. Appeal from Modification of an Order Setting Administrative Civil Liability.

(a) A person to whom the Commission has issued an order setting administrative civil liability may appeal to the Commission any modification of the order by the Executive Director by filing within ten (10) days of the date of personal service or mailing by registered mail of the modification a written statement that the party is appealing the modification and the reasons for the appeal.

(b) If the appeal is filed within ten days of the personal service or mailing by registered mail of the modification to the order, the appeal shall stay the effect of the modification, but the previously effective order shall remain in effect.

(c) Appeals of modifications of an order setting administrative civil liability by the Executive Director cannot be filed more than ten days after the personal service or mailing by registered mail of the modification.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(c), Public Resources Code. Reference: Sections 66641.5(e), 66641.6 and 66641.9, Government Code.

HISTORY

1. New section filed 10-11-89; operative 11-10-89 (Register 89, No. 43).
2. Amendment of section heading, section and NOTE filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

Article 3. Standardized Fines

§ 11386. Applicability of Article.

(a) This Article shall apply to an enforcement action if the Executive Director determines:

(1) that an alleged violation is one of the types identified in Section 11390;

(2) that the alleged violation has not resulted in significant harm to the Bay's resources or to existing or future public access; and

(3) that the alleged violation can be corrected in a manner consistent with the Commission's laws and policies.

(b) For purposes of this Article, "significant harm to the Bay's resources or to existing or future public access" shall be determined in accordance with Section 11310(f).

(c) If an enforcement action involves both an alleged violation that has not resulted in significant harm to the Bay's resources or to existing or future public access and an alleged violation that has resulted in significant harm to such resources or public access or that is otherwise not subject to resolution under this Article, the Executive Director may, depending on the nature and extent of all the violations and on whether the responsible party has taken appropriate action to resolve the violations, commence Commission enforcement proceedings for all the alleged violations by following the procedures established by Sections 11321 through 11334 of these regulations.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(c), Public Resources Code. Reference: Section 66641.5(e), Government Code; and Section 29610, Public Resources Code.

HISTORY

1. New section filed 2-26-93; operative 3-29-93 (Register 93, No. 9).
2. Amendment filed 6-26-97; operative 7-26-97 (Register 97, No. 26).
3. Amendment of section and NOTE filed 12-9-98; operative 1-8-99 (Register 98, No. 50).
4. Amendment filed 5-22-2003; operative 6-21-2003 (Register 2003, No. 21).
5. New article 3 heading, amendment of section heading and subsections (a)-(a)(10), renumbering of former subsections (b)-(b)(3) to new section

11387, renumbering of former subsection (c) to new section 11388, renumbering of former subsection (d) to new section 11389, renumbering of former subsections (e)–(h) to new section 11390, renumbering of former subsections (i)–(k) to new section 11391, new subsections (b)–(c) and amendment of NOTE filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11387. Notice of Alleged Violation.

If this Article applies to an enforcement action, the Executive Director shall mail a written notice to the person(s) responsible for the alleged violation(s) that contains all of the following information:

(a) the nature of the alleged violation(s) and each and every action that must be taken to correct the alleged violation;

(b) the fact that if the alleged violation(s) are fully corrected within 35 days of the mailing of the notice, the Commission shall not impose any fine; and

(c) the fact that if the alleged violation(s) are not fully corrected within 35 days of mailing of the notice, the person responsible for the alleged violation(s) may be subject to the payment of a fine and may resolve the alleged violation(s) by taking each and every corrective action required by the notice and paying the standardized fine specified in Section 11390(a) or 11390(b) without having to go through a Commission enforcement proceeding pursuant to Sections 11321 through 11334, except as provided in Section 11390(d).

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66641.5(e), Government Code; and Section 29610, Public Resources Code.

HISTORY

1. Renumbering and amendment of former section 11386, subsections (b)–(b)(3) to new section 11387 filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11388. Opportunity to Complete Corrective Action without Imposition of a Standardized Fine.

Except as provided in Section 11390(c), if the person responsible for the alleged violation(s) submits to the Executive Director information demonstrating that the alleged violation(s) have not occurred or that such person has completed each and every corrective action specified in the notice pursuant to Section 11387 within thirty–five (35) days after the mailing of the notice, the Commission shall not impose any standardized fine.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66641.5(e), Government Code; and Section 29610, Public Resources Code.

HISTORY

1. Renumbering and amendment of former section 11386, subsection (c) to new section 11388 filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11389. Opportunity to Complete Corrective Action with Imposition of a Standardized Fine.

Except as provided in Sections 11390(c) and 11390(d), if the person responsible for the alleged violation(s) fails to submit to the Executive Director information demonstrating that such person has completed each and every corrective action required by the notice pursuant to Section 11387 within thirty–five (35) days after the date of the mailing of the notice, the responsible person may resolve the alleged violation(s) by completing each and every corrective action required by the notice sent pursuant to Section 11387 and by paying a fine in the amount provided in Sections 11390(a) or 11390(b).

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66641.5(c), Government Code; and Section 29610, Public Resources Code.

HISTORY

1. Renumbering and amendment of former section 11386, subsection (d) to new section 11389 filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

§ 11390. Violations Subject to a Standardized Fine and Schedule of Standardized Fines.

(a) The following standardized fines shall apply to the following types of alleged violations:

(1) for the failure to return an acknowledged, executed Commission permit before commencing the work authorized by the permit, or, for any permit issued to authorize previously commenced or completed work,

for failure to return an acknowledged, executed permit within the time period stated in the permit:

(A) if the fully executed permit is returned between thirty–six (36) and sixty–five (65) days after the date of the mailing of the notice required by Section 11387: TWO THOUSAND DOLLARS (\$2,000.00); or

(B) if the fully executed permit is returned more than sixty–five (65) days after the date of the mailing of the notice required by Section 11387: FIVE THOUSAND DOLLARS (\$5,000.00) plus FIVE HUNDRED DOLLARS (\$500.00) per day from the sixty–fifth (65) day to the date the fully executed permit is received by the staff.

(2) for the failure to submit any document other than an acknowledged, executed Commission permit in the form, manner or time required by a Commission permit:

(A) if a required document is submitted between thirty–six (36) and sixty–five (65) days after the date of the mailing of the notice required by Section 11387: TWO THOUSAND DOLLARS (\$2,000.00) per document;

(B) if a required document is submitted between sixty–six (66) and ninety–five (95) days after the date of the mailing of the notice required by Section 11387: FIVE THOUSAND DOLLARS (\$5,000.00) per document; or

(C) if a required document is submitted more than ninety–five (95) days after the date of the mailing of the notice required by Section 11387: FIVE THOUSAND DOLLARS (\$5,000.00) for each document plus FIVE HUNDRED DOLLARS (\$500.00) per day for each document, from the ninety–sixth (96th) day to the date the document is received by the staff.

(3) for the failure to comply with any condition required by a Commission permit not covered by subsections (a)(1) or (a)(2):

(A) if corrected between thirty–six (36) and sixty–five (65) days after the date of the mailing of the notice required by Section 11387: TWO THOUSAND DOLLARS (\$2,000.00) for each violation of each separate permit requirement; or

(B) if corrected between sixty–six (66) and ninety–five (95) days after the date of the mailing of the notice required by Section 11387: FIVE THOUSAND DOLLARS (\$5,000.00) for each violation of each separate permit requirement; or

(C) if corrected more than ninety–five (95) days after the date of the mailing of the notice required by Section 11387: FIVE THOUSAND DOLLARS (\$5,000.00) for each violation of each separate permit requirement, plus FIVE HUNDRED DOLLARS (\$500.00) per day for each violation, from the ninety–sixth (96th) day to the date the violation is corrected or the required improvements are provided.

(4) for the failure to obtain a Commission permit or an amendment to a previously issued Commission permit prior to undertaking any activity that can be authorized by an administrative permit or an amendment to previously issued Commission permit:

(A) if either a complete and properly executed application accompanied by a check or money order for the applicable application fee, as determined pursuant to Appendix M, Section (b) of the Commission's regulations, is submitted between thirty–six (36) and sixty–five (65) days and a permit or permit amendment is obtained within one hundred and fifty–five (155) days after the date of the mailing of the notice required by Section 11387 or the unauthorized activity is completely corrected between thirty–six (36) and sixty–five (65) days after the date of the mailing of the notice required by Section 11387: TWO THOUSAND DOLLARS (\$2,000.00);

(B) if either a complete and properly executed application accompanied by a check or money order for the applicable application fee, as determined pursuant to Appendix M, Section (b) of the Commission's regulations, is submitted between sixty–six (66) and ninety–five (95) days and a permit or permit amendment is obtained within one hundred and eighty–five (185) days after the date of the mailing of the notice required by Section 11387 or the unauthorized activity is completely corrected between sixty–six (66) and ninety–five (95) days after the date of the mail-

ing of the notice required by Section 11387: FIVE THOUSAND DOLLARS (\$5,000.00);

(C) if a complete and properly executed application accompanied by a check or money order for the applicable application fee, as determined pursuant to Appendix M, Section (b) of the Commission's regulations, is submitted more than ninety-five (95) days after the date of the mailing of the notice required by Section 11387 or the unauthorized activity is completely corrected within the same time limits: FIVE THOUSAND DOLLARS (\$5,000.00) plus FIVE HUNDRED DOLLARS (\$500.00) per day from the ninety-sixth (96th) day to the date the fully complete and properly executed application accompanied by a check or money order for the applicable application fee is submitted or the activity is completely corrected.

(5) for the failure to obtain a Commission permit prior to undertaking any activity that can be authorized by a regionwide permit or an abbreviated regionwide permit:

(A) if either a complete notice of intent to proceed under a regionwide permit or abbreviated regionwide permit is submitted between thirty-six (36) and sixty-five (65) days and the Executive Director approves the notice of intent to proceed within one hundred and fifty-five (155) days after the date of the mailing of the notice required by Section 11387 or the unauthorized activity is completely corrected between thirty-six (36) and sixty-five (65) days after the date of the mailing of the notice required by Section 11387: TWO THOUSAND DOLLARS (\$2,000.00);

(B) if either a complete notice of intent to proceed under a regionwide permit or an abbreviated regionwide permit is submitted between sixty-six (66) and ninety-five (95) days and the Executive Director approves the notice of intent to proceed within one hundred and eighty-five (185) days after the date of the mailing of the notice required by Section 11387 or the unauthorized activity is completely corrected between sixty-six (66) and ninety-five (95) days after the date of the mailing of the notice required by Section 11387: FOUR THOUSAND DOLLARS (\$4,000.00);

(C) if a complete notice of intent to proceed under a regionwide permit or an abbreviated regionwide permit is submitted more than ninety-five (95) days after the date of the mailing of the notice required by Section 11387 or the unauthorized activity is completely corrected within the same time limits: FOUR THOUSAND DOLLARS (\$4,000.00) plus FIVE HUNDRED DOLLARS (\$500.00) per day from the ninety-sixth (96th) day to the date the complete notice of intent to proceed is submitted or the unauthorized activity is completely corrected.

(6) for the placement of fill, the extraction of materials or a change in use that could not be authorized under the Commission's laws and policies:

(A) if the violation is corrected and the area restored to its prior status between thirty-six (36) and sixty-five (65) days after the mailing of the notice required by Section 11387: THREE THOUSAND DOLLARS (\$3,000.00);

(B) if the violation is corrected and the area restored to its prior status between sixty-six (66) and ninety-five (95) days after the mailing of the notice required by Section 11387: EIGHT THOUSAND DOLLARS (\$8,000.00);

(C) if the violation is corrected and the area returned to its prior status more than ninety-five (95) days after the mailing of the notice required by Section 11387: EIGHT THOUSAND DOLLARS (\$8,000.00) plus FIVE HUNDRED DOLLARS (\$500.00) per day to the date the violation is completely corrected.

(b) A person responsible for any alleged violation must pay double the amount listed in subsection (a) to resolve the alleged violation if that person has previously paid or has been assessed but has failed to pay any standardized fine pursuant to subsection (a) and Section 11391 within the five years prior to resolution of the alleged violation.

(c) If a violation resolved pursuant to Section 11388 is repeated by the same person within five years of the resolution of the prior violation, Section 11388 and subsections (a) and (b) shall not apply. Instead, the person responsible for the subsequent violation may resolve the subsequent al-

leged violation by paying TWO HUNDRED DOLLARS (\$200.00) per day for each day the subsequent alleged violation occurs or persists after the date of the mailing of the notice required by Section 11387.

(d) If the person responsible for the alleged violation does not complete all the required corrective actions within 125 days of the notice mailed pursuant to Section 11387 or does not pay the amount of standardized fines assessed in accordance with this section when payment is due under Section 11391(c) or (d), the Executive Director may commence Commission enforcement proceedings in accordance with Sections 11321 through 11334. If the Executive Director determines that the person responsible for the violation has not made a good-faith effort to correct an alleged violation, the Executive Director may terminate the opportunity for resolution of the violation using the standardized fine process by mailing a notice stating that the process is no longer available. After mailing such notice, the Executive Director shall commence Commission enforcement proceedings in accordance with Sections 11321 through 11334 to resolve the violation.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66641.5(e), Government Code; and Section 29610, Public Resources Code.

HISTORY

1. Renumbering and amendment of former section 11386, subsections (c)-(h) to new section 11390 filed 6-7-2022; operative 10-1-2022 (Register 2022, No. 23).

§ 11391. Notice of Liability for Standardized Fines and Opportunity to Appeal or to Resolve Violation through Commission Enforcement Proceedings.

(a) After the violation has been completely resolved, the Commission staff shall notify the person responsible for the violation by first class mail or email of the amount of standardized fines assessed in accordance with Section 11390. The notice shall state that if any person subject to standardized fines believes that the amount of standardized fines is inappropriate or was not properly determined in accordance Section 11390, that person can appeal the amount of the fines to the Executive Director and the Chair by submitting to the Executive Director within 21 days of the date of the notice a written statement that the person is appealing and the reasons for the appeal. The Commission staff shall submit to the Executive Director a response to the appeal within 14 days after receipt thereof. The Executive Director and the Chair can reduce the amount of the standardized fines to an amount that they believe is appropriate and can establish a schedule for the payment of the standardized fines in installments.

(b) If any person subject to the standardized fines listed in Sections 11390(a), (b), or (c) believes that the 35-day time limit for resolution without a standardized fine established pursuant to Sections 11387 and 11388 is not feasible, that person may appeal the time limit to the Executive Director and the Chair by submitting to the Executive Director within 35-days of the notice mailed pursuant to Section 11387 a written statement that the person is appealing the 35-day time limit, the reasons for the appeal, and a proposed alternative date to complete the required corrective action. The Executive Director and the Chair can modify the 35-day time limit and the time periods for accrual of standardized fines set forth in Section 11390(a) for the violation as they believe appropriate.

(c) If any person subject to standardized fines does not appeal the amount of such fines within 21 days of receiving notice from Commission staff under subsection (a), the full amount of such fines shall be due and payable by cashier's check thirty (30) days after the date of the notice provided under subsection (a).

(d) If any person subject to standardized fines appeals the amount of such fines within 21 days of receiving notice from Commission staff under subsection (a), any fines the Executive Director and Chair determine to be appropriate shall be due and payable by cashier's check by the date or dates specified in their decision on the appeal.

(e) Any person receiving a notice under Section 11387 may waive the opportunity to resolve the violation under this Article by submitting a let-

ter to the Executive Director indicating such a waiver and requesting that the violation be resolved through Commission enforcement proceedings in accordance with Sections 11321 through 11334 if that person believes such proceedings are necessary to fairly determine liability for the violation, the appropriate remedy, or the appropriate fine or administrative civil penalty amount. A waiver of the opportunity to resolve a violation under this Article and request that the violation be resolved through Commission enforcement proceedings may be submitted at any time after receipt of a notice under Section 11387 but no later than: (1) twenty one (21) days after the date of the notice provided by Commission staff under subsection (a) of amount of standardized fines assessed, if the person receiving such notice elects not to appeal the amount of such fines to the Executive Director and Chair; or (2) fourteen (14) days after the date of the decision of the Executive Director and Chair on any appeal of the amount of standardized fines. If a letter waiving the opportunity to resolve a violation under this Article and requesting that the violation be resolved through Commission enforcement proceedings is submitted after the Commission staff has provided notice under subsection (a) of the amount of standardized fines assessed or after the decision of the Executive Director and Chair on any appeal of the amount of standardized fines, no such fines shall be due pursuant to that notice or that decision, and the appropriate amount of fines or administrative civil penalties shall be determined through Commission enforcement proceedings.

(f) If a person subject to standardized fines fails to pay such fines when due and payable under subsection (c) or (d), as applicable, and if such person has not submitted a letter waiving the opportunity to resolve a violation under this Article and requesting that the violation be resolved through Commission enforcement proceedings under subsection (e), the Executive Director shall commence Commission enforcement proceedings in accordance with Sections 11321 through 11334 to resolve the violation. In those proceedings, the person subject to such fines may not contest his or her liability for the violation or that the violation occurred, and the Commission shall determine only whether the amount of standardized fines was properly calculated in accordance with Section 11390.

NOTE: Authority cited: Section 66632(f), Government Code; and Section 29201(e), Public Resources Code. Reference: Section 66641.5(e), Government Code; and Section 29610, Public Resources Code.

HISTORY

1. Renumbering and amendment of former section 11386, subsections (i)–(k) to new section 11391 filed 6–7–2022; operative 10–1–2022 (Register 2022, No. 23).

Chapter 14. Marsh Development Permits Issued by Local Governments and Appeals Therefrom

Subchapter 1. Marsh Development Permits Issued by Local Governments

Article 1. Application

§ 11400. Application of Chapter.

This Chapter shall govern the issuance of a marsh development permit or any other local permit that incorporates the provisions of a marsh development permit, hereinafter referred to as “a marsh development authorization,” by local governments pursuant to California Public Resources Code Section 29502(a) and appeals from marsh development authorizations issued by local governments.

NOTE: Authority cited: Sections 29201(e) and 29521, Public Resources Code. Reference: Section 29502, Public Resources Code.

HISTORY

1. Renumbering and amendment of Section 11225 to Section 11400 filed 5–18–87; operative 6–17–87 (Register 87, No. 30). For prior history, see Register 86, No. 39.

Article 2. Marsh Development Permits Issued by Local Governments

§ 11410. Order of Permits.

If a Suisun Marsh development requires both a marsh development permit from the Commission and a marsh development authorization from a local government because part of the development site is located within either the primary management area of the Suisun Marsh or within tidelands, submerged lands, or other public trust lands within the secondary management area and if another part of the development site is located within the secondary management area of the Suisun Marsh, the person or entity who proposes the development shall first obtain the marsh development authorization from the appropriate local government for that part of the site or development that is within the secondary management area before requesting a marsh development permit from the Commission for that part of the site or development that is within the primary management area.

NOTE: Authority cited: Sections 29201(e) and 29521, Public Resources Code. Reference: Sections 29300 and 29502, Public Resources Code.

HISTORY

1. New section filed 5–18–87; operative 6–17–87 (Register 87, No. 30).
2. Change without regulatory effect amending section filed 12–31–2020 pursuant to section 100, title 1, California Code of Regulations (Register 2021, No. 1). (OAL review extended 60 calendar days pursuant to Executive Order N–40–20.)

§ 11411. Application.

(a) The person or entity applying for a marsh development authorization from local government for a development within the secondary management area shall submit to the local government and the local government shall require the person or entity to provide the following:

(1) an application that provides detailed information about the development and that includes a site plan that shows the property lines of the site and the location and extent of existing and proposed work and uses information that clearly distinguishes existing improvements from proposed improvements, and existing shoreline public access areas from proposed shoreline public access areas, the location of any existing levees and water transporting and water control structures, and information that identifies all building elevations, the approximate distance from the development to the nearest marsh, the location of any managed wetland and any tidal area in the vicinity, and the name and location of the nearest public road;

(2) a statement that describes all environmental impacts that may arise from the proposed development with supporting facts and information;

(3) a statement that the person signing the application is either the applicant or has the authority to bind legally the applicant;

(4) sufficient evidence that shows the applicant either owns the land, has a lease of sufficient duration to allow a reasonable return on any investment, or has an enforceable option on the land on which the development will occur or other similar authority to use the property; and

(5) a statement under penalty of perjury by the person signing the application that all the information submitted is complete and accurate.

(b) The local government may either incorporate the request for this information into its existing applications forms or may request this information separately.

NOTE: Authority cited: Sections 29201(e) and 29521, Public Resources Code. Reference: Section 29502, Public Resources Code.

HISTORY

1. Renumbering and amendment of Section 11227 to Section 11411 filed 5–18–87; operative 6–17–87 (Register 87, No. 30). For prior history, see Register 86, No. 39.

§ 11412. Notice to the Commission of Pending Applications.

(a) Within five (5) working days of the filing of an application with the local government for a marsh development authorization, the local government shall provide in writing to the Commission the following information: