

Closed Public Restroom at Starkweather Park
City of San Rafael
Formal Enforcement Proceeding
Enforcement Case ER2015.024

April 18, 2024

Agenda Item 9

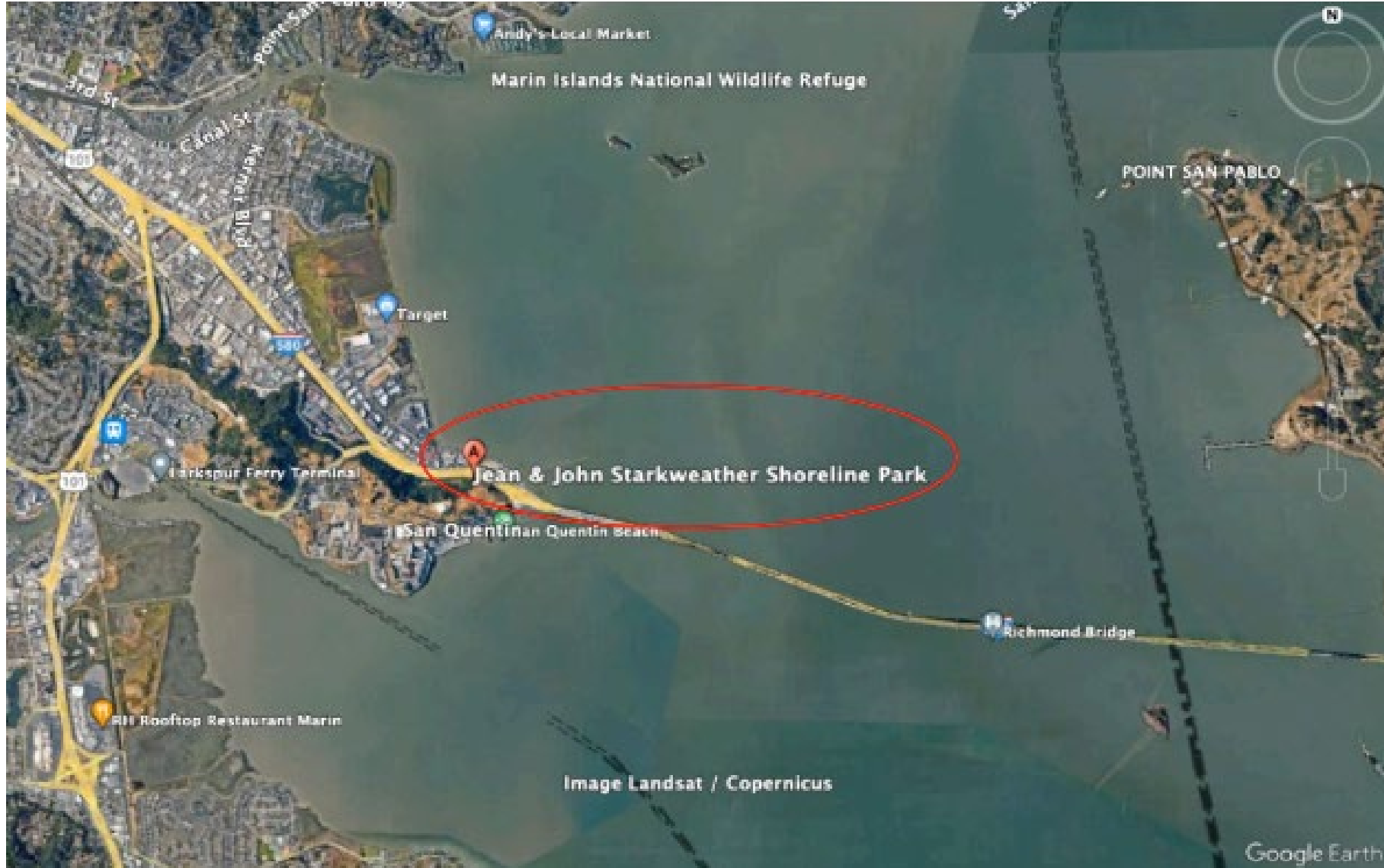
Adrienne Klein, Principal Enforcement Analyst



Presentation Outline

- Location of Violation
- Description of Violation
- Timeline of Events
- Negotiated Settlement Agreement
- Recommended Enforcement Decision

Starkweather Shoreline Park, Francisco Boulevard, San Rafael, Marin County (1 of 3)



Starkweather Shoreline Park, Francisco Boulevard, San Rafael, Marin County (2 of 3)



Starkweather Shoreline Park, Francisco Boulevard, San Rafael, Marin County (3 of 3)



Google Earth Street View of Closed Restroom (pre-reconstruction)



Single Violation

- Failure to maintain a public restroom in violation of Special Condition II.B.4 of Permit 1978.028.05

Timeline of Events (1 of 3)

- **1986 to 2015** - BCDC unaware of RR closure, received no complaints
- **2015** – City requested permission to remove RR requirement from its permit, BCDC opened ER2015.024.00
- **November 2016** – BCDC issued letter that commenced standardized fines accrual
- **December 2016** – BCDC staff negotiated installation temporary RR and handwashing station
- **January 2017** – BCDC told City to open RR by June 30, 2017

Timeline of Events (2 of 3)

- **July 2017** – BCDC warned commencement of formal enforcement to resolve RR closure
- **2018 to 2019** – City submitted and received BCDC staff approval of RR reconstruction plans
- **2020** – No contact between City and BCDC until November (due to COVID-19 pandemic)
- **2021** – City informed staff that it had commenced and completed RR remodel

Timeline of Events (3 of 3)

- **2022** - City reported RR could not be opened until PG&E and other utilities were connected
- **2023** - City reported RR still lacked power from PG&E
- **January 2024** - BCDC began formal enforcement
- **February 29, 2024** – City reported PG&E had scheduled an April 10, 2024, site visit to turn on the power
- **March 4, 2024** – Settlement agreement negotiated

Settlement Agreement Terms

- Cease and desist from violating Special Condition II.B.4 of Permit 1978.028.05
- By May 10, 2024, open the RR to the public and pay \$30,000 administrative civil penalty
- Fine reduces to \$15,000 (still due by May 10, 2024) if:
 - 1) RR is open by May 6; and
 - 2) City restores site by removing temporary toilet, handwashing station and restoring landscape by April 27

Recommended Enforcement Decision

- Enforcement Committee recommends that the Commission adopt the proposed Settlement Agreement