



1978.028.06

July 25, 2017

File No.: 22.08.11

San Francisco Bay Conservation and Development Commission  
Attn: Matthew Trujillo  
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)**

To Whom It May Concern,

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. The restroom is listed in BCDC Permit No. 1978.028.00 (formerly referred to as Permit No. 28-78) as a required access feature. The restroom was closed shortly after it opened in the 1980's due to illicit activities occurring at the structure.

The City received a Notice of Violation from BCDC on November 21, 2016 in which condition number three directed the City to reopen the restroom. Among the five violations that were cited, four of them were resolved by the City to the satisfaction of BCDC staff. Reopening the bathroom has remained unresolved and a temporary facility was installed in December 2016. The temporary restroom, accessible to the public 24/7, has been continuously maintained and operated since December and will continue to be pending the resolution of this permit amendment request.

The City of San Rafael is requesting that the San Francisco Bay Conservation and Development Commission (BCDC) amend BCDC Permit No. 1978.028.00 in the following manner:

Remove Special Condition II.B.3.e requiring permanent public restrooms.

In April 2017, City staff met to discuss the permit amendment, history, on-going challenges and the current conditions of the restroom and public shoreline park. Specifically, City staff involved in this discussion included representatives from the Police, Public Works, Community Services (Parks & Recreation) and Community Development Departments were present at the meeting. The City Attorney's Office also participated in these discussions. Individually, these City departments have experienced challenges and issues with this restroom and this portion of the shoreline park over the past 30+ years. City staff

offers the following observations and comments, which support demolition of the restroom:

1. The restroom and adjacent shoreline park access are visually and physically isolated. This portion of the public shoreline park and the restroom structure are not visible from the public street (Francisco Boulevard East), and are accessed through the terminus of a private parking lot. The public restroom and park are not easily accessible or readily visible for optimum surveillance by the Police Department. Reopening the bathrooms would create more area blocked from visibility from the street and parking area. As difficult as it is to currently monitor the exterior of the bathroom for illicit activity, it would only be more difficult to monitor the interior of the bathroom as well.

The isolated condition and access to this portion of the Shoreline Park and restroom cannot be changed or modified. The steep slope bank that separates the park access and restroom from Francisco Boulevard East make it impossible to provide direct vehicle and pedestrian access from the public street, which would facilitate more proactive surveillance. Due to the isolated condition and required access through the Bay Park Office Complex, the owner of the Bay Park (Roots Construction) has been burdened with monitoring the activity and problems over the past 30+ years. This private monitoring and clean-up of debris, which includes everything from hypodermic needles to trash, has reduced calls to the City for service and response; nonetheless, many calls for service have been made over the years. The City Police Department records for service calls are available dating back to January 1, 2002. From 2005 to April 2017, there were a total of 24 calls for service related to the area in and around the bathroom and parking area.

2. The restroom and adjacent shoreline park access have a proven history of being an attractive nuisance. Because of the isolated location and lack of visibility from the public street, this portion of the Shoreline Park has attracted unsafe and criminal activities. City Police Department records document reports of stolen vehicles, recovered stolen vehicles, vehicle habitation and sleepers, stolen license plates, drug use and a recovered stolen boat. In fact, the property owner has had to hire a private security service to provide aggressive nighttime surveillance of their property and the public park area. In the past couple of years private security has detailed many instances of drug use and exchange, as well as cases of prostitution. These conditions would only heighten if the restroom is restored and accessible as it will become a refuge.
3. The restroom has infrastructure and utility service challenges. The wastewater/sewer infrastructure requires that waste be transported from a lateral line to the main line on Francisco Boulevard East. Because of the steep grade difference (vertical distance of over 20 feet), this transport must be made with the assistance of an ejector pump which can be prone to mechanical problems. Any

mechanical issues including temporary loss of power could lead to discharges which are problematic for a facility being directly adjacent to the Bay.

4. In the 30 plus years the bathroom has been closed, the City has not once recorded a public request to reopen the facility. Furthermore since the temporary bathroom was installed, no public comment has been fielded by the City in support of keeping it or opening the permanent bathroom.

Based on the above, City staff collectively agrees that re-opening this public restroom is unwise and will, without a doubt, exacerbate the conditions which foster unlawful and nuisance activity.

If you have questions or comments please contact Thomas Wong at 415-458-5360 or he may be reached at [thomas.wong@cityofsanrafael.org](mailto:thomas.wong@cityofsanrafael.org).

Sincerely,

Jim Schutz  
City Manager

Joe Shekou  
Roots Construction Company

cc: Bill Guerin, Director of Public Works  
Ethan Lavine, Principal Regulatory and Permit Analyst  
Kevin McGowan, City Engineer  
Lisa Goldfien, Assistant City Attorney  
Marc Zeppetello, Chief Counsel  
Paul Jensen, Community Development Director

Enclosures: Private Security Reports

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|---------------|---------------|
| Amendment No. | 5 + 01978.028 |
| Rec'vd on     | 7/28/17       |
| Staff asgnd   | Ethan         |
| Logged on     | 8/17/17       |
| Fee Paid      |               |
| Non-Mat       | ✓             |

