

MINUTES OF FEBRUARY 6, 2018

REGULAR MEETING  
OF THE  
CORTE MADERA TOWN COUNCIL  
AND THE BOARD OF SANITARY DISTRICT NO. 2,  
A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA

Mayor Condon called the Regular Meetings to order at Town Hall Council Chambers, 300 Tamalpais Drive, Corte Madera, CA on February 6, 2018 at 6:30 p.m.

**1. CALL TO ORDER AND ROLL CALL**

~~Councilmembers Present:~~ Mayor Condon, Vice Mayor Furst and Councilmembers Andrews, Baily and Ravasio

~~Councilmember Absent:~~ None

Staff Present: Town Manager Todd Cusimano  
Town Attorney Teresa Stricker  
Director of Planning and Building Adam Wolff  
Senior Planner Phil Boyle  
Associate Planner Doug Bush  
Public Works Director Peter Brown  
Town Clerk/Assistant to the Town Manager Rebecca Vaughn

**SALUTE TO THE FLAG** – Mayor Condon led in the Pledge of Allegiance

Mayor Condon announced that former Larkspur Fire Chief Craig Shurtz passed away and the Council will adjourn the meeting in his honor.

~~1.I. Report out of Closed Session From January 16, 2018 Regular Town Council Meeting Regarding the Following Items:~~

9.I CONFERENCE WITH LABOR NEGOTIATOR  
Closed Session Pursuant to Cal. Gov't Code Section 54957.6  
Agency Negotiator: Todd Cusimano, Town Manager  
Employee Organization: Corte Madera Fire Battalion Chiefs

9.II CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Closed Session Pursuant to Cal. Gov't Code Section 54956.9(d)(1)  
Name of case: J. Lourenzo v. Town of Corte Madera, MCSC Case No. CIV1702261

Mayor Condon stated there was no reportable action taken from January 16, 2018.

**2. OPEN TIME FOR PUBLIC DISCUSSION**

DENNIS RODONI, Marin County Supervisor, recognized Age-Friendly Corte Madera and reported that on January 23 the County of Marin will hold a year-long program called, "the Year of the Older Adult in Marin". The program will honor and support senior citizens with a variety of events.

JOHN LAMBRIGHT, Corte Madera, spoke about recent opinions on *NextDoor.com* regarding drones, their regulation through local ordinances, and was opposed to the Town allowing drones to fly and hover over private property.

JEANNE GREENBAUM, Casa Buena Drive, cited the presence of debris and litter throughout the town and asked the Town to contact Caltrans or for Town officials to address its cleanup.

### **3. PRESENTATIONS**

#### **3.I Presentation of Awards for Holiday Home Decorating Contest**

Mayor Condon presented awards to contest winners of various categories for the Holiday Home Decorating Contest to 8 Madera Boulevard, 33 Ebb Tide Passage, and 613 Meadowsweet Drive. A round of applause followed.

#### **3.II Presentation of Certificate of Appreciation to Darrell Heppner for Service to the Town of Corte Madera**

Mayor Condon presented a Certificate of Appreciation to Darrell Heppner, the Town's Risk Manager and consultant for the Town's self-insurance program.

Mr. Heppner thanked the Town for its appreciation.

George Warman and Town Manager Cusimano commented that Mr. Heppner had been serving the Town from July 1977 to June 30, 2017 and helped Town staff in its transition to Bay Cities.

#### **3.III Informational Update On Sales Tax Override and Consideration and Possible Action to Provide Direction to Staff Regarding Potential Renewal of Sales Tax Measure (Town Manager Todd Cusimano and Director of Public Works Peter Brown will provide a presentation and update to Town Council regarding the current one-half cent sales tax override)**

Town Manager Cusimano said the matter before the Council is to provide updates regarding the sales tax override measure. He referred to the Town's newsletter which summarizes the tax measure and stated the PowerPoint presentation he will be presenting is also linked to the Town's website.

Mr. Cusimano gave the PowerPoint presentation and provided background information on the original 6 year, one-half cent measure which expires April 1, 2020. He discussed the Citizens' Sales Tax Oversight Committee's review of expenditures from the measure, the measure's purpose and said the measure helps fund the Town's capital improvement projects (CIP) as prioritized by the Council. If the measure is not renewed, the Town's ability to improve its infrastructure will be severely compromised.

Staff met with the Citizens' Oversight Committee on January 30<sup>th</sup> and noted that the Town currently receives 1 ½% of the 8.75% sales tax. He stated 1% is the normal sales tax which is approximately \$6.5 million annually, and the ½ cent is Measure B which is approximately \$2.5 million annually. The State receives approximately 6.25% and the County receives about 1% in the three separate measures.

Measure B is the only locally controlled revenue source the Town has. Senior and youth programs are one of the expenditures outlined by the Council, and the inter-generational center is currently underway which is a +\$160,000 project. The Town also has an additional \$30,000 funded in the budget for those senior and youth programs.

Regarding disaster preparedness, the Town currently has set aside \$1.7 million for unforeseen events. It funds \$125,000 in the current budget for brush removal and creating defensible space and staff is working with the Corte Madera Community Foundation and developing evacuation routes where deemed possible to address emergency response planning for disasters.

Last year the Town hired a full-time Fire Marshal and he has been extremely successful in enforcement. They also fund \$20,000 towards a Neighborhood Response Group (NRG)

Coordinator and thanks to Mr. and Mrs. Howard's work, there are over 2,000 individuals trained for disasters. He highlighted that the Howards also donated these funds back to the Corte Madera Community Foundation for disaster preparedness.

The Town also funds \$30,000 towards training for first aid, CPR, trailers, related equipment, emergency training and disaster kits. Lastly, the Oversight Committee is evaluating an early warning alert system.

Public Works Director Peter Brown provided an overview of his assessment of how the measure's funds could be used if renewed. He displayed a sea level rise diagram of what would occur in Corte Madera with increased rise, noting there has been 12" of rise since the 1860's and said the Town has more flood control work to protect its residents and property.

He also believes the Town should create a long-term revenue stream for improvements, anticipating maintenance needs, prolong the useful life of assets and replacing assets as needed.

Another goal of the Public Works Department is to make the Town a model for how to fund and implement public works improvements. Staff foresees the ability to increase revenue for the Town's current and future infrastructure needs at decreased costs for local residents.

In terms of CIP categories, Mr. Brown highlighted those most important as flood control, senior and youth programs, disaster preparedness, streets and potholes, and safe routes to school. He then presented storm, drainage and flood projects underway, stating the Town has committed to \$4.6 million for these projects, as well as transportation and pedestrian projects underway, including facility projects.

Regarding whether the sales tax revenue is the best long-term CIP source, Mr. Brown discussed projects nearing the end of their life and needed expenditures. He said the City of Larkspur recently passed a 3/4 cent sales tax and he feels they did a good job in demonstrating the need for the measure.

For Corte Madera, because of the regional nature of its shopping malls and auto dealerships, residents are not necessarily bearing the burden of this cost. Brick and mortar retail sales tax is and will likely continue to fall and future models of auto sales may be through an app and automobiles may be autonomous, as well.

He then displayed a slide showing how well Corte Madera has done with CIP funding, and said in terms of sales tax revenue, Corte Madera's buying power is high given its status with regional shopping in Marin County. If voters were to agree to a 3/4 cent sales tax measure and sunset the flood tax in 2018, they would save \$98/residence or about \$42 per person.

In terms of direction, Mr. Cusimano recommended the Council consider placing a measure on the 2018 June ballot, as the next regular election will not be until March 2020. He asked if the Council would like further analysis at a 1/2 cent or a 3/4 cent sales tax, stating staff could present what this would result in at the next meeting.

Councilmember Bailey questioned whether sales tax revenue was the best long-term Town CIP source.

Mr. Brown stated it was because of the Town's ability to also leverage regional funds.

Councilmember Bailey referred to a slide which states flood control and transportation infrastructure are expensive to maintain, and the Town projects \$30 million to \$50 million will be needed by 2030. He asked if this includes the \$20 million expenditure that the Town has mentioned for a levy to help protect East Corte Madera from floods.

Mr. Brown said yes, and this is the reason why there is a projected range.

Vice Mayor Furst said she agrees the Town has a lot of infrastructure for its size and she asked Mr. Brown to comment on what is proposed in the future to address sea level rise.

Mr. Brown noted there will be a community meeting in March to discuss sea level rise and king tides that cause flooding. He said he was amazed at the need in terms of infrastructure investments in the coming years.

Mayor Condon thanked staff for the presentation and opened the public comment period.

#### Public Comments:

PHYLLIS METCALFE, Parkview Circle, referred to the math used in removing the flood tax and adding the renewal of the sales tax measure, stating she thought it would be \$85 that would be saved. She asked that the campaign emphasize the importance that these projects are that of safety and services for residents of the Town. If the sales tax measure is changed to 3/4 cents, she asked and confirmed that the 1/2-cent tax would retire and the new tax amount would start.

Mr. Cusimano responded that the end and start date could be flexible depending on the way the Town writes the language for the ballot.

ELI BECKMAN commented that the Town has been diligent about making sure the funds are used primarily for the purposes that were presented to voters. He suggested this continue and voiced his support of the measure's renewal.

Mr. Brown referred to Ms. Metcalfe's point and explained that \$98 is assessed per residential unit or 1,000 square feet of commercial, so it is not per person. He arrived at \$98 per housing unit down to \$42 per person by dividing by the average household size which is 2.4.

Mayor Condon thanked staff for the update, said she sees a critical need to extend the tax and optimally to make it permanent and she suggested stressing the point that it would cost residents less if the flood tax were eliminated.

Mr. Brown recommended staff return with a written staff report that takes the presentation and develops an analysis between the two options of renewing the tax at 1/2 versus 3/4 cents. He said staff was also planning to bring a draft ordinance for the Council's review at the February 20<sup>th</sup> meeting.

## 4. CONSENT CALENDAR

### 4.I TOWN ITEMS

Vice Mayor Furst requested removal of Item 4.I.ii. Councilmember Bailey stated he will abstain from Item 4.I.ix.

4.I.i ~~Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.~~  
(Standard procedural action - no backup information provided)

4.I.iii ~~Adopt Resolution No. 04/2018 (1) Endorsing The Redwood High School Foundation, (2) Allowing A Temporary Sign In The Public Right-Of-Way From February 26, 2018 To March 23, 2018 Publicizing The Redwood High School Foundation Golf Tournament And Auction Party Fundraiser; And (3)~~

~~Determining That The Project Is Exempt From The California Environmental Quality Act (CEQA) Pursuant To CEQA Guidelines 15061(B)(3)  
(Report from Doug Bush, Associate Planner)~~

~~4.I.iv Authorization For The Town Manager To Enter Into A Renewal Of The Joint Use Agreement Between The Reed School District And The Town Of Corte Madera For Continued Use Of Granada Park  
(Report from Mario Fiorentini, Director of Recreation and Leisure Services)~~

~~4.I.v Authorize Public Works Director to Submit a Caltrans Planning Grant to Prepare a Climate Adaptation Plan For the Town of Corte Madera To Develop a Specific Set of Prioritized Actions In Order to Protect and Prepare Transportation Infrastructure, Town Assets, Neighborhoods, Economic Centers and Wetlands from Pending Sea Level Rise, Deluge and Extreme Weather Events  
(Report from Peter Brown, Director of Public Works)~~

~~4.I.vi Authorize The Town Manager To Execute The Contract Between The Town Of Corte Madera And The Transportation Authority Of Marin (TAM) To Receive A Transportation Fund For Clean Air (TCFA) Grant To Go Towards Bicycle And Pedestrian Related Improvements On The Corridor Between Madera Boulevard and Fifer Avenue, Provide Report Regarding Overall Project Concept and Request that Council Provide Direction to Staff to Come Back at a Later Date in 2018 to Update Council on Progress for the Design of the Tamal Vista Complete Streets Project  
(Report from Peter Brown, Director of Public Works)~~

~~4.I.vii Approval of Warrants and Payroll for the Period 1/11/18 through 1/25/18: Warrant Check Numbers 217877 through 217963; Payroll Check Numbers 5695 through 5704; Payroll Direct Deposit Numbers 33822 through 33943 and Payroll Wire Transfer Numbers 2266 through 2272.  
(Report from Daria Carrillo, Finance Director)~~

~~4.I.viii Approval of Warrants and Payroll for the Period 1/26/18 through 1/31/18: Warrant Check Numbers 217694 through 218002; Payroll Check Numbers 5705 through 5719; Payroll Direct Deposit Numbers 33944 through 34009; Payroll Wire Transfer Numbers 2273 through 2277 and Wire Transfer of 1/31/18.  
(Report from Daria Carrillo, Finance Director)~~

~~4.I.ix Approval of Minutes of January 16, 2018 Town Council Meeting~~

MOTION: Moved by Bailey, seconded by Ravasio, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey (abstained for Item 4.I.ix), Furst, Ravasio and Condon; Noes: None).

To approve Town Consent Calendar Items 4.I.i, iii, iv, v, vi, vii, viii, ix and x.

~~Item Removed from the Consent Calendar:~~

~~4.I.ii Adopt Resolution 03/2018 Transferring Ownership of Certain Streetlights from the Town of Corte Madera to the Marin General Services Authority (MGSA) and Delegating Authority to the Director of Public Works to Transfer Certain Streetlights to MGSA on an Ongoing Basis  
(Report from Todd Cusimano, Town Manager)~~

Vice Mayor Furst stated this item is a housekeeping item to transfer ownership of street lights to Marin General Services Authority, a decision of which was made several years ago.

This saves cities in Marin a lot of money in streetlight maintenance, but asked how this ownership transfer works with a future shift over to LED's to save energy.

Mr. Cusimano stated the Town has \$260,000 allotted in grant funding towards the LED program and the Town completely controls that transition, and this action will not compromise it at all. Staff hopes to move forward in the next year and is reviewing best practices with fellow member agencies about options.

Mayor Condon opened the public comment period, and there were no comments.

MOTION: Moved by Furst, seconded by Andrews, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Furst, Ravasio and Condon; Noes: None)

To approve Town Consent Calendar Items 4.I.ii.

**4.II SANITARY DISTRICT ITEMS:** None

**5. PUBLIC HEARINGS**

- 5.I ~~Public Hearing for Consideration of Appeal Application PL-2018-0008 Requesting Reversal Of The Planning Commission's Approval Of Design Review Application PL-2017-0125 For A 542 Square Foot Addition At 22 Seminole Avenue~~  
(Report from Douglas Bush, Associate Planner)

~~Recusal:~~

~~Councilmember Bailey reported his residence was somewhat in proximity to the proposal and out of an abundance of caution he would recuse himself from participating and left the Chambers.~~

Mayor Condon announced that the matter is a de novo hearing. The Planning Commission approved the project and an appeal was filed.

Director of Planning and Building Adam Wolff referred to the appeal procedure as outlined on page 11 of the Town Council Rules and Procedures.

Associate Planner Douglas Bush provided the staff report and overview of the application and events that led to the application being appealed. He presented the current home, the proposed 542 square foot, second story addition, elevations and the revised site plan based on the Planning Commission's direction to provide specific plantings on the northwest corner.

The applicant responded to feedback from the appellants that include installation of clerestory windows in the master bathroom, movement of the master bedroom to the street side, sensitive siting of windows with consideration to neighboring properties and retention of views of Mt. Tamalpais.

He called attention to items submitted in advance of the hearing by the applicant, appellants and neighbors in response to the notice, stating copies are provided to the Council and in the Chambers for the public.

Since the Planning Commission hearing, it was identified that existing trees in the rear yard had blocked some views from across the street, and while not a condition of approval or something that affected the design review findings, the applicants reached out to neighbors and are working with arborists to improve the situation.

Additionally, the applicants contacted the appellants regarding the types of plantings

between the yards to find something that would work for both parties.

Mr. Bush said it is up to the Council to determine if the design review findings can be met. Several options are provided in the staff report to deny the appeal and uphold the Planning Commission's action, and a resolution is included in Attachment 1, or to modify the Planning Commission's action by changing the conditions of approval. By approving the appeal, it would deny the application and the matter could also be remanded back to the Planning Commission for their determination given direction by the Council.

JOHN SHARP, Law Offices of John E. Sharp, attorney for appellant Inge Morrison, stated when the original appeal was filed Ms. Morrison indicated she would be away on a long-planned trip until late February. He questioned whether the Council could consider continuance at the onset of the meeting.

Mayor Condon stated the owners of the Seminole property did not want to continue the appeal into the future.

Mr. Wolff pointed out that correspondence was received from both the appellant and applicant regarding the issue of postponement and he noted it is at the Council's discretion as to whether or not the Council wishes to postpone the hearing.

Councilmember Andrews stated he would not be opposed to continuing the appeal to the first meeting in March, but if the rest of the Council wished to participate, he could also hear the matter now.

Councilmember Ravasio suggested holding the appeal hearing this evening, citing that pushing the hearing to March seemed unreasonable.

Vice Mayor Furst concurred with Councilmember Ravasio, noting the Council had received several emails, letters, and there has been plenty of opportunity for people to share their views.

Mayor Condon concurred with hearing the matter, and disclosed she visited both properties.

Mr. Sharp stated he wanted to first comment on the point of continuance, stating the matter was a de novo hearing and the appellant who resides at 27 Lakeside Drive should be present to address the Council. She will live with the impacts of the project her entire life and the fact is that she is not afforded the opportunity to be present. The process is then prejudiced and deemed to be a violation of her due process. However, while he does not intend to argue with the Council he said he would proceed.

He noted that the Council has his correspondence detailing his client's concerns with the application. There are also photographs included in the packet which speak for themselves. Although he does not agree with the outcome of the draft resolution of denial which staff included, this resolution points to findings at the center of the project and at the center of their appeal and objection to the project.

Mr. Sharp referred to Finding 3; that the project will not significantly and adversely affect views, sunlight or privacy of nearby residents and provides adequate buffering between residential and non-residential uses, he referred to photographs submitted. The photographs show the primary living areas at Ms. Morrison's property which are heavily impacted by the mass, bulk, height and general presentation of the second story proposed. The Council will also see the outdoor living area, namely the pool, patio and outdoor dining area are directly in the shade and within the scope, mass and bulk of the proposed second story.

Mr. Sharp referred to staff's presentation and he said nowhere in the immediate vicinity of

the neighborhood were second story homes, which is central to their appeal. This second story will have a substantial impact on his client for the rest of her life if approved.

Finding 4 to be made is that, "The structure, site plan and landscaping are in scale and harmonious with existing and future development adjacent to the site and in the vicinity." His comments just made about the character and non-second story character of the vicinity goes to Finding 4 and asked the Council to consider this, as it has a significant impact.

Another concern related to approval of a second story in a neighborhood like this is the domino effect that can be created. He has practiced in many jurisdictions, was a Planning Commissioner and Councilmember and has viewed what happens when residents are put into a position of competing to raise heights of houses in order to preserve views, and it does not take a long time for a domino effect to occur. He therefore asked the Council to keep this in mind.

In conclusion, the Town's Code and General Plan protect quality of life values for its residents. On behalf of the appellant, they submit that the application as presented does not meet the standards intended in the General Plan and zoning code to protect these values. He then introduced Dina Morrison, who spent some time living at the property at 27 Lakeside Drive.

Dina Morrison, on behalf of the appellant, said she grew up in 27 Lakeside Drive and still spends a lot of time there with her mother. They have owned the house for over 35 years and have lived in the neighborhood for 40 years. She said anyone can walk or drive through the neighborhood and comment that a second story could not happen here because all homes are single story. A person chooses a neighborhood for a reason and Madera Gardens provides views of Mt. Tamalpais from the fronts and backs of homes. To all of a sudden put up an addition would detract from the character of the neighborhood.

She referred to homes in central Novato which all began as single story homes and now there is a mix of two-story, single story and multi-family homes and home values are not raised nearly as high as Corte Madera's values. This is because the General Plan is appealing to residents and this is their reason for living in Corte Madera.

Ms. Morrison also explained that they have a pool with many windows on that side of the house to enjoy the pool. She referred to the front of the proposed second story and currently all that can be seen is flag and string which is deceiving. Not until something is built will one feel the pressure of what a second story really means. For them, this means that they will need to put on clothes when walking from their bedroom to the bathroom and their privacy will completely change.

Mass is another impact. She said while the addition is only 542 square feet, it is a large story which will look down on them. There are also many elderly people in this neighborhood and she did not think they could be able to attend the Council meeting and should not lose their privacy because this will start a new precedent.

RILEY HURD, III, Ragghianti Freitas, LLP, attorney on behalf of the applicant; the Boznanski family, said he believes this is a very small addition and the concern relates to the potential for a domino effect. The legal and perhaps political response is that this project does not create a legal precedent. The Council has one of the stricter design review findings for second stories of any jurisdiction, stating case by case the Council must review each second story addition. Approving an addition at this location does not make it a matter of right for someone to build a second story at another location, given findings must be made.

He provided a handout of a one-quarter mile radius showing over 20 homes with second stories. He noted that 150 yards away on the same street is a house with a second story, so there are some properties where findings can be made, and this is one of them. The height limit is 30 feet and owners must anticipate the opportunity for neighbors to go up, and this



proposal is planned to be 24 feet tall.

He then referred to General Plan CD2.4-A which talks about breaking mass, architectural design, window size and placement and said the applicants spent an inordinate amount of time at their expense responding to concerns that fit within CD2.4-A. This has included changing the location from one side to the other of the second story to protect views of Mt. Tamalpais, stepping back the addition, keeping the addition small and using the same roof pitch and materials. The north, south and west elevations all have clerestory or no windows. The applicants have sacrificed light, views of Mt. Tamalpais and the layout of the second floor all in response to concerns and were a bit disappointed to be appealed after responding to neighbor concerns.

Regarding privacy, Mr. Hurd said one cannot see out of clerestory windows. There is one elevation with regular windows where they plan to have a nursery for their child. They will be using shades that rise from the bottom and he thinks it is difficult to hear the privacy concerns expressed when the planting required by the Planning Commission and the window program does not lend support to those concerns.

Regarding views, the only view of Mt. Tamalpais that could be impacted is from across the street on Seminole. The applicant massed the second story on the north side to leave those corridors open and also had to block their own view by taking away the windows on that side in response to neighbor concerns.

Mr. Hurd added that while this is a de novo hearing, the Planning Commission has found the project to be fully compliant and the project meets all of the numerical development standards of the code, and not one variance was needed. He commended staff for their thorough staff report as it presents the evidence, findings and the decision, and he then introduced the project applicant.

Doug Mighell, Architect for the Boznanskis, stated he met with the applicants in the spring to discuss their project and they immediately took proactive steps to meet with and talk with neighbors even on much more preliminary designs than what they first talked about with staff. They had been through a number of design iterations and said initially the second story was larger with a bedroom and bathroom which was removed. They reviewed different roof configurations and decided to bring the roof down to make it low profile and set it back so it feels like it is part of the original design.

Regarding comments and suggestions from Ms. Morrison calling for different ways to approach the project, he noted these were things they had decided as not working. The project is in the flood zone and FEMA regulations require that the floor level of any addition would need to be 3 ½ feet above the existing floor level of the house. He believes that the design proposed is elegant and once completed, it will be something people will welcome.

He said they have worked a lot to mitigate privacy aspects which include relocating the master bedroom and installing a mature hedge screening on the north side fence line which does an incredible job of screening for privacy. In addressing the shade issue referred to in photographs, it is clear that shading is only created for about ½ hour between 8AM and 8:30AM during a couple of weeks during the winter solstice. In conclusion, Mr. Mighell said given all mitigation they have proposed, the addition is not a significant impact.

Mayor Condon opened the public comment period.

**Public Comments:**

JOHN LAMBRIGHT, Seminole Avenue, stated he and his wife have lived directly across the street from 22 Seminole Avenue for 25 years facing due west towards Mt. Tamalpais. They are opposed to the addition of a second story because it will obscure their view of Mt.

Tamalpais. In deference to what Mr. Bush and Mr. Hurd stated, this corridor of view on the south side of the house will also be obstructed by tree growth. Their view merits some worth in terms of value, both aesthetically and from real estate value.

The Town's General Plan regarding view preservation is clear with regard to reaching a balance between growth, development and maintaining unique and idyllic views, and they ask that the Council give fair consideration to view preservation. They also oppose the addition because of the way it will conflict with the style, charm and appeal of their mid-century single-story community. They do not believe the community was created so homes could be modified to have another story added to it. The homes are too close together to facilitate second story additions without infringing on privacy and views from neighboring properties.

Overgrown trees have been obscuring residential views of mountain vistas and he said if the owners of 22 Seminole Avenue were allowed to add a second story addition it would set a clear example of this assertion. However, the new owners have verbally indicated that they would be willing to cut back the top two trees in their backyard that serve as a major source of the view blockage. By doing so, they are willing to open the view of Mt. Tamalpais and provide them with a view as was described in a meeting before the Planning Commission. If the applicant follows through with this tree modification, maintains a mutually desirable tree height going forward, it would go far in ameliorating the situation. Philosophically, regarding the subject of the general appearance of single story homes, some would say the community needs updating as if existing homes need remodeling.

GERTRUDE MARTIN, wife of the previous speaker, agreed with her husband's comments and said the applicants purchased the house last summer and the house has been unoccupied since its purchase. If a second story gets approved and built, her concern is that the owners will not occupy the house for an extended time but instead will flip and sell the house.

DON WOLBERG said he and his wife live at 13 Seminole Avenue and in looking at all of the neighborhoods around town, there have been many improvements and second stories added. He would like the neighborhood to be able to do the same kinds of things the rest of the town has been able to do, which is to be able to improve, get better and get bigger. If the town stays the same or does not improve, it will die.

Secondly, he objects to the requirement that the Planning Commission added to the approval for the screened planting to be put on the applicant's property. He explained that after they moved into their home, the Town had passed an ordinance that gave their neighbor the right to certain things with their planting. They objected to this, went to the Town and he was told it was a civil case between neighbors. They were threatened with a lawsuit and ended up settling because it cost them \$10,000 in legal fees as opposed to \$50,000 if they had gone to court to prove an ordinance was unconstitutional. His solution is not to require screening and he instead suggested putting the plants on the property of the appellants. The Town would not have to get involved and there would be no required communications between the applicants and appellants. There also would be no potential for a lawsuit. He also noted that if the trees are not maintained, it will be the appellant's problem and lastly, if someone wants to request something, they should be responsible for maintaining it.

LAURA VON WALDBURG, Lakeside Drive, said she drove by the story poles in December and got excited about a beautiful new home in their neighborhood, and she hoped the Council would deny the appeal and let the new homeowners continue with their project. She also noticed that this process has gone on for a long time and asked that the Council make a decision tonight. She was sure the process is a huge expense and hardship and said the Madera Garden neighbors are very excited for the Boznanskis to come to their neighborhood.

LEILA MONGAN said she and her family live at 72 Mohawk and one of the things they love most is the sense of community and how supportive neighbors are of each other. She feels like when people have tried to be accommodating to neighbors and are in need of extra space, it should be accommodated when possible. Therefore, she urged that the Council deny the appeal.

MIKE MONGAN said they have not met the applicants, the immediate neighbors, or the appellants but he hopes to get a chance to know all neighbors. He commented that no one likes "McMansions" and understands this is an important process so people do not do things that are wildly out of scale with the neighborhood. He looked at the story poles from all perspectives and the addition strikes him as reasonable. The applicants have bent over backwards to try to be accommodating and reasonable and if these types of additions cannot be accommodated, growing families will leave the neighborhood.

He has known the previous two families who lived in the house and were great but they left to places where they could buy a larger home. Part of their thinking was that an addition process would be fraught, costly and complicated, and he appreciated the Council's time and service, and hoped for denial of the appeal.

CAITLIN BROWN said she lives at 38 Mohawk Drive, she just had her third child and the homes are very small. Their family is living in a 3 bedroom, 1 bath house and it is cramped. She feels the neighborhood is so wonderful with great families and thinks the addition seems very reasonable. The applicants have gone through due process to build it and she asked the Council to deny the appeal.

JUDY ARDZROONI said she is one of the three homeowners on Lakeside Drive that is impacted by the addition. It has been very hard for her to deal with this because the Boznanskis are a wonderful couple. She wants them to be happy with their new addition, yet people cannot forget the impact the addition makes on the neighbors adjacent to the house. She thinks Ms. Morrison's issues have more to do with intrusion into her yard and also into her house and would need to cover up all of her windows because the applicant's windows will look directly down into her entire yard.

She said the neighbor next to her will have one large window looking down into her yard and patio and the back of her home. Personally, she was not that disturbed because she has many trees in the corner which help, but she thinks other people would need to sacrifice a lot in order to make the addition get built, and she hoped there will not be a domino effect of future second story additions.

HILLARY COSTA said her daughter and her family live on Mohawk and she has gotten to know Madera Gardens quite well. She cited the importance of revitalizing the neighborhood, having families use schools, shopping, and providing a great tax base for the town. She thinks they should be welcomed, valued and be seen as good neighbors.

#### *Rebuttal – Applicant*

Erika Boznanski, homeowner of 22 Seminole Avenue introduced her husband Blake and spoke of their purchase of the home. They fell in love with the community and the house and wanted to set the same precedent and values for their children. She confirmed they were not planning on flipping the property, said they want to invest the time in this process and recognize the value in the community. They did not want to pull their two sons out of the San Francisco school system, but are excited to set up roots in the neighborhood, meet neighbors, get involved and invest in the community.

Blake Boznanski said they have come up to the house for the 4<sup>th</sup> of July and every other week to make sure they are part of the neighborhood. Neighbors have stopped by to welcome them, stating they have similarly aged children. They were surprised that the project was appealed because they put so much time and effort into solutions. Changing the

master bedroom from the back to the front was a big deal, but they heard this was an issue. He confirmed there were no windows that look over into yards and they also do not want people looking into their home. They are excited to be able to move forward and asked the Council to help them realize their dream.

*Rebuttal – Appellant*

John Sharp, representing the appellant, stated the appeal is not anti-children and it was hard to argue with all of the positive sentiments. His comment focuses on the staff report, stating staff talks about evidence that purports to support a finding; that the project achieves the objectives of the zoning ordinance and General Plan because it improves the quality and livability of the home for the occupants that are consistent with the residential character of the neighborhood. In all due respect to children and families, there are larger objectives in the planning documents. He does not disagree with Mr. Hurd's characterization of what the General Plan is intended to do, does not disagree that the building of an individual home does not, by itself, set legal precedent, but he disagrees that the allowance of one-second story won't trigger other second stories as he believes it will and he has seen it.

When staff indicates the improvements are consistent with the residential character of the neighborhood, he thinks his client will experience enormous negative impacts as the character of this neighborhood is not one of a second story character.

Councilmember Andrews asked if this neighborhood or other neighborhoods could be "down-zoned" to be single-story residences by the Council.

Mr. Wolff stated certainly there are ways to revisit certain height limitations or restrictions in some areas of town due to some land use rationale that describes with clarity some of the objectives they are trying to achieve. To this point, the Town has a consistent height limit in most of the Town's single family residential districts, but there is always the ability to revisit those neighborhoods on a case-by-case basis if the Council directs staff.

Councilmember Andrews commented that in looking at the historical design of Corte Madera, those homes are one of the few that still remain in Madera Gardens that are the one-story bungalow type of home built here in the 1950's. Everywhere else in Madera Gardens has been upgraded with second stories and built out.

Vice Mayor Furst said she understands from the staff report that this project is not triggering the need to raise the entire structure up out of the flood zone. If it had been a larger project that encompassed an improvement greater than 50%, this would have triggered those requirements, and she asked what those would include.

Mr. Bush said requirements vary throughout town and at times it may be 1 to 3 feet. In this case, as noted in the staff report from January 9<sup>th</sup>, staff asks for an estimate of the cost of improvements over the course of the last 5 years relative to the appraised value of the structure itself. In this case, it would not require to be raised.

Vice Mayor Furst asked if staff knew what the requirements were in that neighborhood between the 1 and 3 foot requirement.

Mr. Bush said no, but he knows there are homes in the neighborhood that have been raised. Mr. Wolff added that the Town requires houses be raised to base foot elevation of 11 feet and staff has seen examples of some of the homes in the neighborhood which are currently at 7 or so feet. Staff has seen 3 feet, but it can be 4 or 5 feet. This is an important thing to point out moving forward, as some of these homes will be raised considerably depending on where they are with significant additions. If improvements reach 50% or more of the appraised value of the structure, this is where it triggers the requirement to raise the house.

Mayor Condon closed the public portion of the hearing and returned for Council deliberation.

Town Attorney Stricker asked that Councilmembers disclose any ex-parte communications and/or visits to the property.

Councilmember Ravasio disclosed he visited the property, met with the applicant and appellant at their homes and spent time on each site, and also walked the neighborhood.

Councilmember Andrews disclosed he visited the applicant and the appellant, reviewed both homes and walked the neighborhood and is familiar with it.

Vice Mayor Furst disclosed she visited and walked the neighborhood, viewed the story poles from various directions but did not go on either property.

Mayor Condon disclosed she visited the applicant and appellant's properties from inside and outside.

Vice Mayor Furst said the Council has heard from neighbors that the neighborhood is desirable and understands the sense of community regardless of where they stand on this issue. She thinks the Council needs to be careful not to tie the value people hold of their property to qualities that are not something people really own. She thinks families should be able to improve their homes to accommodate their needs because otherwise they will not make an investment in their homes.

Also, the fact that the community is desirable is for many reasons and she did not think a modest second story addition that has undergone several changes to address impacts was going to affect resale values in that neighborhood.

She also did not think the massing of the addition was inappropriate or significantly imposing, did not have a detriment to privacy and that planting proposed will additionally provide screening. Also important to keep in mind is the fact that these neighborhoods were not built to allow every homeowner maximum privacy. She was also pleased that the windows were raised up which should afford everybody the maximum amount of privacy.

Lastly, if this home were undergoing a massive renovation that put it above the 50% threshold which might have required the entire home to be raised between 1 and 5 feet, neighbors might complain about this affecting privacy. However, the Town has and will continue to invest money in infrastructure and luckily there has not been a serious flood since the early 1980's. She therefore can make the findings on this project and supported denial of the appeal.

Councilmember Ravasio said it is always difficult when the Council is faced with these types of decisions because everybody is trying to do their best. He could relate to what the applicants are going through and discussed his own situation with neighbors and said they are friends to this day. They knew they were living in a suburban neighborhood with houses built close to each other and this triggered other improvements in the neighborhood.

In looking at the specifics of the application, it is a modest addition, significantly below the Floor Area Ratio (FAR), and with the addition the total square footage will be about 1900 square feet. It is 6 feet below the height limit and in general, he did not believe the addition was a big change to what could be built. He likes the fact that the applicants have worked with the neighbors through a long process in an effort to solve everybody's problems.

He said moving the master bedroom from the rear with a view of Mt. Tamalpais to the front of the house was a huge accommodation for the neighbors. He spent a lot of time looking at

the finding regarding privacy and the applicants have done everything they can to accommodate privacy.

Lastly, the applicants do not have any other options for expanding this property. He thinks expanding out creates more problems with aesthetics as well as less privacy for neighbors, and he said he could make the findings and supported denial of the appeal.

Councilmember Andrews said he agrees with Councilmember Ravasio, said he can also make the findings, and realizes that Madera Gardens is primarily a neighborhood of single family homes but if the applicants are going to expand the house, given the size of the lot, going up is the only choice they have.

He commented that there is a house on Mohawk which has been raised 4 feet and if the applicant was to spread out, the height of the house would be even higher. Given the trade-offs made, the applicants did a fairly good job in a difficult situation.

Mayor Condon stated that when the Council worked on the General Plan and Housing Element in the 2000's, a planner evaluated neighborhoods and identified where he could see they might go in the future. When they visited Mariner Cove tract, he said unless the Town made its planning requirements very restrictive in 10 to 15 years, the area will be very valuable because everybody will, sooner or later, turn homes into custom homes, which has been done. She said she looks at Madera Gardens the same way in that they have mostly resisted two-story development.

When she visited the appellant's property, she recognized what the change would be and she also recognized the efforts by the applicant which were made to address privacy concerns. Change is difficult, but a lot of effort has been made to articulate the second story, reduce its square footage and there was no need for variances.

The only comment she would have is that she felt it was somewhat onerous on staff that the Planning Commission went to the extent of dictating the plant species, and if the Council would want to remove this condition she would be supportive.

Vice Mayor Furst asked if any Councilmembers were interested in removing the requirement for the planting. She referred to page 6, 4<sup>th</sup> paragraph of the Resolution 5/2018 which she read into the record.

Councilmember Ravasio concurred with removal of the planting requirement, stating he did not necessarily want to require something that might not be enforceable.

Vice Mayor Furst referred to the screening statement on page 4, middle of the page under #3 and she read it into the record. In response to Councilmember Ravasio, Vice Mayor Furst said the planning department would have to approve any proposed changes.

Mr. Wolff stated staff would require a certain size of plants and that they be planted. Staff does go back to the plans approved, if ever there is an issue regarding design review and prior approval, to make sure they are adhered to.

Mr. Bush added that if the Council believes the finding can be made without that condition, it can be removed or modified.

Councilmember Ravasio asked if this was written in a way where the Town will be required to check screening and ensure it is maintained and ensures privacy.

Town Attorney Stricker said there is no height requirement and the plant simply would need to be maintained as a live plant. If the planting died, the homeowner would need to replace it. The Council can make these requirements or could remove it entirely. Or, the Council could indicate they would "encourage" the applicant to plant which would not be

binding.

Councilmember Ravasio said he was supportive of the way the condition was written which he thought was a standard condition. It creates a spirit of cooperation between both parties for screening and thinks it may create more issues if removed.

MOTION: Moved by Furst, seconded by Ravasio, and approved unanimously by the following vote: 4-0-1 (Ayes: Andrews, Furst, Ravasio and Condon; Noes: None; Recused: Bailey)

To adopt Resolution 5/2018 denying the appeal of the Planning Commission's decision and approving Design Review Application No. PL-2017-0125, thereby allowing the construction of a 542 square foot addition at 22 Seminole Avenue.

~~Noted Present:~~

Councilmember Bailey returned to participate in the remainder of the meeting.

~~5.II Public Hearing For Consideration And Possible Adoption Of General Plan Amendments To The Land Use Element Of The Corte Madera General Plan Amending: 1) Base Housing Densities And Maximum Floor Area Ratios ("FAR") In Areas Designated Mixed-Use Commercial On The Town's General Plan Land Use Diagram; And 2) The Land Use Designation Of The Town's Gravel Lot Located On Redwood Highway (APN: 024-032-019) From Mixed-Use Region-Serving Commercial To Region-Serving Commercial; and 3) Modifying Related General Plan Text Where Necessary for Consistency With Above Amendments.~~

~~(Report from Adam Wolff, Director of Planning and Building)~~

Director of Planning and Building Adam Wolff referred to the staff report and draft Resolution which follows the Planning Commission's recommendation on this item. The Planning Commission held a public hearing on January 9 and recommended approval of the General Plan Amendments (GPAs) and recommended the Council consider additional aspects.

He said the public hearing is to receive information and public comments regarding amendments, and he explained there was previous Council discussion during review of previous applications. He recalled the MX-1 zoning discussion was held in October 2016 and more recently, the December 2017 Town Council discussion regarding the gravel lot and land use designation for that parcel.

Mr. Wolff noted any significant changes to the proposed GPA that were not considered by the Planning Commission would be required to return to them for further consideration.

Regarding the gravel lot, on December 5, 2017, in the discussion of the Restoration Hardware Gallery and Village expansion project, part of that application was to change the General Plan land use designation of the Town's gravel lot from what had been Wetlands and Marshlands to Mixed Use Region-Serving Commercial. The Council voiced concerns regarding implications when some regional agencies may identify land available for development of housing and, therefore, it may affect projections moving forward. The Council asked that staff follow-up and to review another designation other than mixed use.

Mr. Wolff said all of this does not impact the project the Council reviewed and there are proposed development agreements and restrictions that would not allow housing or other commercial uses on that site. Therefore, the proposal is to change it from the Mixed Use Region Serving Commercial to Region-Serving Commercial.

Councilmember Bailey said he understands this has been proposed as a way to address

perceived concerns by the Council. He asked if it was staff's recommendation that this is necessarily a good or bad idea.

Mr. Wolff said he thinks there is little impact either way in terms of the designation, as long as it allows for uses that the Town Council agrees to the development agreement approval which allows for the parking uses.

The second part of the GPA amendment relates to the discussion in October 2016 when Tamal Vista Corridor and implementing new zoning in that area of town was discussed. The General Plan defines the intended range of allowable land uses and the intensity and density of those uses for all properties in the town and this is done by creating these land use designations. It maps them on the land use diagram which also lives in the Land Use Element of the General Plan.

He displayed both land use designations and said it applies to a large number of properties in town, the vast majority of which are commercial or non-residential uses. The land use designation of Mixed Use Commercial allows for approximate development density from 15.1 to 25 dwelling units per gross acre and up to 31 units, and this can be exceeded with the state density bonus. The General Plan lays out the over-arching land use policy of the Town through these land use designations. The zoning ordinance still dictates what can be built on specific parcels.

The Mixed Use zoning district was used in the Tamal Vista Boulevard area to create consistency between what the zoning allowed given in October when the Town approved the MX-1 district that allowed for residential uses for the first time in that area. It also allowed 15.1 dwelling units per acre in the MX-1 area. He noted that in Section 18.13.150 a specific provision allows up to 20 units per acre for projects that include senior housing. These are densities exclusive of the state density bonus which is consistent with the General Plan.

At the time this was discussed, the Council had concerns about this mismatch with the range and the specific density allowed in the zoning. Staff, at the time said they could return to make the zoning entirely consistent and, therefore, staff is recommending changing the General Plan to ensure it also states 15.1 units per acre and 20 units per acre for senior housing exclusive of state density bonus. These amendments would apply specifically to the Tamal Vista Corridor area.

At the same time, staff recognizes there are also many other areas that currently have the range of 15.1 to 25 units per acre that are not in the Tamal Vista Corridor area. Currently, there is no zoning in these areas that would allow for housing, but potentially, the Town might be in a position to consider new zoning that would allow for housing in these areas. Therefore, staff is recommending the Council consider and adopt a specific unit per acre number that development would be held to in these other areas.

The Town can use some of that information and exercise what they went through in developing the regulations for the Tamal Vista Corridor area and applying those elsewhere without having to go through the same intense type of study for these other areas.

The Planning Commission received the same presentation and recommended that the 15.1 units per acre be applied to other areas as well and also recommended carrying over the FAR limitation of .40. He provided examples of existing residential developments and their FAR for the Council to see what this looks like and the Council can get a sense of whether this is appropriate for other areas of the Town in the General Plan land use diagram, and he briefly described examples which were contained in the staff report.

Mr. Wolff stated the actual text changes are included as an exhibit to the Resolution on page 7 and the land use diagram would only change with respect to the gravel lot.



Councilmember Andrews stated the base density would be 15.1 units per acre. If using the state bonus, it would be multiplied by 1.25 or 19 units. If it was senior housing, the base would be 20 units and with the bonus it could be as high as 25 units. He recalled that when going for the state bonus, developers would also be allowed concessions, and he asked if FAR would be one to consider.

Mr. Wolff stated yes; FAR would be considered as well as height. However, the Town has an ordinance that states height must relate to the actual ability to produce the project with the required amount of low income units to make this argument. It is up to the applicant to choose which concession they wish to apply for. The actual maximum bonus is 35 units for very low and low income housing, but generally the Council will see 20 to 25 units.

Mr. Wolff also noted that the Town does have an inclusionary housing ordinance that requires 25% of any project developed of 10 or more units to include 25% of the units as very low, low or moderate income levels in the project on-site. The actual percentage depends on the number of units provided under the very low, low and moderate income levels.

Vice Mayor Furst referred to the two examples in the staff report, stating the Mill Valley mixed use is 17.6 units per acre, total FAR of .5 and a residential FAR of .42. Sandpiper Circle is 10 units per acre and .4 FAR. Sandpiper Circle has fewer units to the acre and units are larger. Therefore, when working with 15.1 units per acre and a .4 FAR the Town would be encouraging slightly smaller units than Sandpiper Circle.

Mr. Wolff said this was born out of some of the discussions during the Tamal Vista Corridor process when staff realized that 15.1 or 20 units per acre can look very different depending on how large the units are. Generally, in single family residential districts, the Town has a FAR that limits overall size. In multi-family residential districts they do not, so some projects have come in with the same number of units but will be larger in scale and size.

Vice Mayor Furst asked if there were policies in place to encourage a mixture to allow for different kinds of housing for different types of households.

Mr. Wolff said no, generally the market will dictate this. When .4 FAR was reviewed, what staff found at 15.1 units per acre was that if as much housing was built as one could, they would get a little over 1,000 square feet on average per unit.

Vice Mayor Furst asked if this was a "sweet spot" for a Town to be in, and Mr. Wolff said staff felt it was a good place to be, but there would need to be more work on this in terms of massing and providing enough flexibility to allow for 2 bedrooms, 1 bedroom and studio units.

Mayor Condon opened the public comment period.

**Public Comments:**

DAVID KUNHARDT, Christmas Tree Hill, recommended changing one number in the recommendation because the Town is at risk of doing a down-zoning or taking a range of 15 to 25, and this is a 40% drop in unit per acre density. Any down zoning is removal by the Town, of value and reduced property rights. He said there are not many residential properties that are already built out that would become over-dense to these standards immediately and make them non-conforming. Someone might have a 60 year old, under-developed, single story commercial or warehouse type of property between San Clemente and Paradise which could be just like San Clemente Place which is an excellent development of 28 units per acre. Most of it is up on a podium of parking and out of the flood zone.

He also referred to Assemblymember Levine's bill where 20 units to the acre would be the

desired default. He said if the Council approves this it is also introducing the notion of discrimination between senior housing at 20 units and workforce housing at 15 units per acre of which a lot are needed in the town. He felt downzoning also discourages people who own existing properties from doing renovations, discourages lenders and insurers of coverage of existing properties that were expected to be larger, and he recommended collapsing both to 20 dwelling units per acre.

Town Clerk Vaughn announced that it was 9:30 p.m. and the Council would need to extend the meeting to continue. Councilmembers briefly discussed extending the meeting and items on the agenda.

#### Extend Meeting

MOTION: Moved by Andrews, seconded by Ravasio, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Furst, Ravasio and Condon; Noes: None)

To extend the Council meeting from 9:30 p.m. to 10:00 p.m.

PHYLLIS METCALFE, Parkview, reiterated that the numbers given by staff were numbers that were developed during the Tamal Vista study from the public workshops.

Mayor Condon said she disagrees with the idea that 15 to 20 units per acre is not discriminatory, noting a developer is automatically eligible for density bonuses similar to senior housing units.

Mayor Furst asked if the Town Attorney could address whether or not this is a down zoning.

Ms. Stricker stated this is not a down zoning situation. What is before the Council is a GPA and there are no entitlements associated with a GPA. There is no amendment to the zoning ordinance and what is being proposed by the Planning Commission and recommended by staff is to reduce the range in the current General Plan to the bottom of the range. There is no entitlement here at all and this is a discretionary review where the Council would go through its zoning ordinance and she disagrees with the speaker's comments.

Councilmember Andrews asked if approved whether the Town's zoning ordinance and General Plan will be consistent.

Mr. Wolff said it would for the Tamal Vista Corridor. The Town has not yet adopted zoning for the other areas that are designated Mixed Use Commercial. If they were to adopt zoning, they would know how to make it consistent with the General Plan.

Mayor Condon asked if the discussion includes the Best Western. Mr. Wolff said it does in the sense it is also within the Mixed Use Commercial district, but the policy for that corridor was set in October 2016 and this is aligning the General Plan with that policy.

MOTION: Moved by Andrews, seconded by Furst, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Furst, Ravasio and Condon; Noes: None)

To adopt Resolution 6/2018; General Plan Amendments To The Land Use Element Of The Corte Madera General Plan Amending: 1) Base Housing Densities And Maximum Floor Area Ratios ("FAR") In Areas Designated Mixed-Use Commercial On The Town's General Plan Land Use Diagram; And 2) The Land Use Designation Of The Town's Gravel Lot Located On Redwood Highway (APN: 024-032-019) From Mixed-Use Region-Serving Commercial To Region-Serving Commercial; and 3) Modifying Related General Plan Text

Where Necessary for Consistency With Above Amendments.

## **6. BUSINESS ITEMS**

### **TOWN BUSINESS ITEMS**

#### **6.I TOWN BUSINESS ITEMS**

- 6.I.i ~~Discussion Regarding Challenges and Constraints Within the Current Configuration of Public Works/Engineering Office Space and Possible Direction to Staff Regarding Opportunities to Ease Overcrowding~~  
(Town Manager Todd Cusimano and Director of Public Works Peter Brown will provide a presentation to Town Council regarding the current configuration of workspace for Public Works/Engineering staff and request input and direction to staff)

Mr. Cusimano introduced the matter, stating staff is in dire need of office space. Fire Station No. 14 was over-staffed and crowded. Public Works/Engineering was moved to one of the wings that took up 3 offices, and this caused many issues with fire staff. They began sharing services with Larkspur Fire and moved personnel around between the two cities.

He said Fire Station No. 14 is the main headquarters which houses the Fire Chief, Fire Marshal and Battalion Chiefs and it has become necessary to find office space for the Public Works/Engineering team. And, in the future, staff will be requesting approval to expand that team with staffing as well.

Director of Public Works Peter Brown stated staff has reviewed two options of using existing Town resources which he said would be difficult to accommodate employees. He and the Town Manager met with a real estate agent and reviewed some potential leased spaces for Public Works office space, and a third option looks at the assets of the Town in terms of existing land.

He presented a slide showing one option which would be to develop a permanent structure which is a hybrid of a 1700 to 1800 square foot modular or pre-fabricated building to house Public Works/Engineering staff, the IT person, and the two employees in the Fire Department that would move to this building. The Town would make up for lost parking spaces by removing sheds on the property. He also noted that the conference room is something the Town can benefit from. This program costs approximately \$350/square foot and this would cost approximately \$630,000, plus contingencies for an approximate \$700,000 project.

He asked if the Council could provide direction to staff and staff can return with a staff report and necessary actions leading to permanently relocating staff.

Mr. Cusimano spoke on the vision of housing employees, Town needs for storage and the Fire Station needs.

Councilmember Andrews asked if the house located next to Town Hall could be renovated for office space. Mr. Cusimano stated what staff is proposing is the first step. He would not recommend this right now, but the house could be the second step and analyzed for future use.

He clarified with Vice Mayor Furst that the downstairs area of Town Hall would be used for storage in the future. She asked if a different floor plan would be considered with fewer offices and more flexible work space to accommodate more employees or different types of uses.

Mr. Brown said staff is open to any arrangement. He knows right now the type of work being done requires some private space, and staff needs to look at the footprint, construction costs, and he again displayed examples of the high quality construction proposed for office space.

Councilmember Bailey said he was fully supportive of having sufficient space and he asked if the reason staff is proposing a pre-fabricated building was because it can be done quickly or that it was at a good price point. Secondly, he asked if this would go to the Planning Commission for review.

Mr. Brown said the number one reason is cost, given new construction would be 3 to 4 times the amount. Timing is also an issue and he would recommend receiving input from the Planning Commission on design and color to be approved. He also pointed out that the building is pre-fabricated and pieces are built off-site and brought in and assembled and this is where cost savings is derived.

Mayor Condon opened the public comment period, and there were no speakers.

Councilmember Ravasio said he would like to see a vetting of the construction costs, given estimates have gone over budget due to impacts from fires and other disasters.

Vice Mayor Furst voiced support, asked staff to also include furnishings in the estimated price, asked to evaluate flexibility so it can be used flexibly for long-term needs.

Mayor Condon confirmed staff had direction to move forward.

6.I.ii ~~Discussion and Possible Action to Approve Draft Letter of Opposition to Senate Bill 827 (Weiner) Planning and Zoning: Transient-Rich Housing Bonus~~  
(Report from Rebecca Vaughn, Town Clerk)

Mayor Condon stated she would like to submit a letter of opposition to SB 827 (Weiner), and she briefly explained the bill allows the potential for development near transit to be built up to 85 feet tall, with high density, no parking and no design review.

Mayor Condon opened the public comment period, and there were no speakers.

Councilmember Andrews provided amendments to the letter, which included verbiage relating to Corte Madera's FEMA flood plains.

Vice Mayor Furst asked to add verbiage to the end of paragraph 3 to state, "it would add further pressure on our under-funded flood control infrastructure and potentially result in development within the Town's flood plain."

Mr. Cusimano commented that over 98% of the cities and counties in the state are now subject to SB 35 and the streamlining process. 13 cities and towns were recognized as meeting the requirements and are not under the current streamlining requirements, and Corte Madera is one of them. This recognizes the work of the Town staff and the Town is also positioned well to meet the second evaluation requirements.

MOTION: Moved by Furst, seconded by Bailey, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Furst, Ravasio and Condon; Noes: None)

To approve the letter of opposition to Senate Bill 827 (Weiner) Planning and Zoning: Transient-Rich Housing Bonus, as amended.

**6.II SANITARY DISTRICT BUSINESS ITEMS:** None

**7. COUNCIL AND TOWN MANAGER REPORTS**

- Town Manager Report – deferred to the next meeting.
- Council Reports – deferred to the next meeting

**8. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING**

8.I Review of Draft Agenda for February 20, 2018 Town Council Meeting

Mayor Condon asked Councilmembers to work with the Town Manager on any revisions to the agenda.

The Council adjourned to Closed Session at 9:58 p.m.

**9. CLOSED SESSION**

9.I TOWN CLOSED SESSION ITEMS

9.I.i ~~PUBLIC EMPLOYEE PERFORMANCE EVALUATION~~  
Closed Session Pursuant to Cal. Gov't Code Section 54957  
Title: Town Manager

9.II SANITARY DISTRICT CLOSED SESSION ITEMS

9.II.i ~~CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION~~  
Deciding whether or not to initiate litigation pursuant to California  
Government Code Section 54956.9(d)(4): One potential case.

9.III Report Out of Closed Session

Mayor Condon announced there was no reportable action taken in Closed Session.

**10. ADJOURNMENT**

The meeting was adjourned at 10:41 p.m. in memory of Fire Chief Craig Shurtz to the next regular Town Council meeting on February 20, 2018 at Town Hall Council Chambers.