

**MINUTES  
PLANNING COMMISSION MEETING  
MARCH 26, 2019  
CORTE MADERA TOWN HALL  
CORTE MADERA**

**COMMISSIONERS PRESENT:** Chair Peter Chase  
Vice-Chair Phyllis Metcalfe  
Commissioner Margaret Bandel  
Commissioner Lee

**STAFF PRESENT:** Adam Wolff, Planning Director  
Phil Boyle, Senior Planner  
Judith Propp, Assistant Town Attorney

**1. OPENING:**

**A. Call to Order** – The meeting was called to order at 7:00 p.m.

**B. Pledge of Allegiance** – Commissioner Chase led in the Pledge of Allegiance.

**C. Roll Call** – All the commissioners were present with the exception of Commissioner Bundy.

**2. PUBLIC COMMENT** - None

**3. CONSENT CALENDAR** – None

**4. CONTINUED HEARINGS**

**A. 159 PRINCE ROYAL DR** – CONTINUED PUBLIC HEARING FOR CONSIDERATION AND POSSIBLE APPROVAL OF A LANDSCAPING PLAN PURSUANT TO CONDITIONS OF APPROVAL OF TOWN COUNCIL RESOLUTION NO. 26/2017, RELATED TO THE CONDITIONALLY APPROVED MAJOR REMODEL AND HOME ADDITION AT 159 PRINCE ROYAL DRIVE. (Planning Director Adam Wolff)

Commissioner Bandel recused herself because she lives within 500 feet of 159 Prince Royal Drive. Planning Director Wolff presented the staff report, and he noted that the item has been continued from the February 12<sup>th</sup> meeting.

Mr. Wolff discussed the landscape plan and said the commissioners must determine if it complies with the Town Council's resolution from 2017. He reminded the commissioners that they requested an updated landscape plan at the previous hearing with more information and enhancements to the plan, such as site sections and planting

details. He confirmed that the Town's appointed landscape architect, Kent Julin, and Fire Marshal Ruben Martin have reviewed and approved the plans, and he discussed options for the commissioners, including a request for staff to return with a resolution to deny the project.

Mr. Wolff noted that correspondence has been received from the neighbor at 163 Royal Drive, which he discussed. Mr. Wolff highlighted the differences between the previous landscape plan and the new plan, including additional trees on the western and northern side of the lot and a new olive tree at the front by the driveway. He noted that existing trees should provide screening while the new plantings mature.

In response to Commissioner Lee, Mr. Wolff confirmed the conditions of approval for this project would involve the Town in any issue a neighbor might have that related to view preservation and vegetative growth.

Chair Chase and Mr. Wolff discussed the retaining walls. Mr. Wolff confirmed staff would review the plans at the building permit stage and that significant changes to the landscape plan were not anticipated.

Galen Fultz, Landscape Architect, stated that he has tried to address the concerns expressed at the last hearing. He discussed the species of ground cover, which he said would be fire resistant and aid soil stability.

In response to Vice-Chair Metcalfe, Mr. Fultz said he did not envisage tree planting to cause problems that would necessitate a soils report.

Chair Chase opened the public comment period.

Margaret Bandel, 180 Prince Royal Drive, asked the commissioners to consider a letter submitted by the neighbors at 163 Prince Royal Drive about their concerns. Ms. Bandel requested a condition of approval related to the maximum tree heights to help preserve some of her views.

Phyllis Galanis, 215 Prince Royal Drive, stated that she supported the comments in the letter submitted by the neighbors at 163 Prince Royal Drive, and she expressed her concern that their property would be affected by the proposed retaining walls. Ms. Galanis also discussed her concerns related to hillside instability and the need for a soils report.

Chair Chase closed the public comment period.

Commissioner Lee stated that the new information the commissioners requested has given him more confidence to approve the project. He confirmed that the findings they must consider did not include reviewing materials relating to the retaining walls and hillside stability. Commissioner Lee referred to the materials from the applicant and

commented on the proposed improvement to an area of the property. He confirmed he could support the findings and move the landscape plan forward.

Vice-Chair Metcalf stated that she could make the findings for the landscape plan and she commented on the difficulties of piecemeal projects. Vice-Chair Metcalfe expressed her concern with the soil conditions, the stability of the retaining walls, and the effects on the landscape plan if the retaining walls need to be relocated.

Chair Chase noted that the resolution included maximum heights some of the trees could grow that related to view blockage. Mr. Wolff discussed the procedure that has been put in place for the landscape plan and the enforcement process, which he confirmed did not involve the Ordinance's usual practice of arbitration.

Chair Chase and Mr. Wolff discussed the olive trees, and Chair Chase compared the current landscaping with the proposed plan, which he said would be a great improvement. Chair Chase stated that the soils report and retaining wall plans would be reviewed by the planning and building staff, and he discussed the need with Mr. Wolff for further review of the landscape plan if other aspects of the project changed.

Counselor Propp suggested adding a condition to the resolution that would allow the Planning Director discretion to issue a permit amendment or return the landscape plan for review by the planning commission should there be changes.

**MOTION:** Motioned by Vice-Chair Metcalfe, seconded by Commissioner Lee, to approve Resolution No. 19-006 in the matter of review of revisions to the landscape and site plan at 159 Prince Royal Drive, and a determination regarding whether the findings of approval (for the previously-approved Design Review application PL-2016-0007) can continue to be met pursuant to Condition of Approval No. 5 of Corte Madera Town Council Resolution No. 26/2017, with the added condition that it would be at the Planning Director's discretion to issue a permit amendment or refer the matter back to the Planning Commission should the landscape plan be modified by the plans for the building or retaining walls:

**AYES:** Metcalfe, Chase, Lee

**NOES:** None

**RECUSED:** Bandel

Mr. Wolff read the appeal rights and Chair Chase announced at 5-minute break at 7:55 p.m.

## 5. NEW HEARINGS

### A. PROPOSED CANNABIS ORDINANCE – A PUBLIC HEARING FOR THE CONSIDERATION AND POSSIBLE RECOMMENDATION TO TOWN COUNCIL OF AMENDMENTS TO THE TOWN OF CORTE MADERA MUNICIPAL CODE TITLES 6, 9 AND 18 REGARDING REGULATION OF CANNABIS RELATED BUSINESSES AND PERSONAL CULTIVATION. (Senior Planner Phil Boyle)

Commissioner Bandel returned to the podium and Senior Planner Boyle presented the staff report. Mr. Boyle discussed comments and materials that have been received since the packet was distributed, which he noted have been made available to the public. Chair Chase commented on the materials he had provided.

Mr. Boyle discussed the information related to this item that was available on the Town's Website and the process for the proposed new cannabis ordinance, which included two public workshops, an on-line survey, and a planning commission meeting to review the results of the workshop and survey. He noted that the commissioners' recommendations to the Town Council included the allowance of indoor cultivation and the prohibition of delivery businesses in Corte Madera, with which the Town Council was in agreement. He also noted that the councilmembers requested there be no requirements for indoor personal cultivation beyond state law, and he summarized the proposed draft ordinance.

Mr. Boyle discussed the commissioners' options based on the Council's direction, which included forwarding a recommendation of approval of the draft ordinance to the Town Council.

Vice-Chair Metcalfe stated she would like assurance that the delivery services were licensed by the state. She also referred to an article in the Marin Independent Journal that related to the on-line survey, and discussed the reasons she believed the survey to be ineffective.

In response to Vice-Chair Metcalfe, Mr. Boyle confirmed the ordinance would not prohibit the sale of CBD or topical products in stores. Counselor Propp confirmed that the Town was not attempting to regulate any products that did not contain THC, but that the commissioners could make a recommendation to the Town Council that they consider these areas for inclusion in the ordinance.

In response to Commissioner Bandel, Mr. Boyle confirmed that the sale of edible cannabis products would be banned under the ordinance because it would be considered a cannabis-based business.

Chair Chase opened the public comment period.

David Bramnick, town resident, discussed the reasons he believed the on-line survey and the town meetings did not represent the will of the community. Mr. Bramnick also

discussed his concern that a commissioner addressed a Town Council meeting about their opposition to the sale of cannabis. Mr. Bramnick stated that a medical marijuana store should be allowed to operate in the town and he asked the commissioners to reexamine their position on cannabis.

Linda Henn, Kentfield resident, member of the Coalition Connection, expressed her opposition to retail locations and outdoor cultivation, which she said would decrease the perception of harm to youths and increase access and normalization. She noted that no other Marin towns were allowing storefronts and she stated that Marin has the highest rates of teenage cannabis users. Ms. Henn said that cannabis should first be legalized federally for reasons she discussed.

Chris Wallitsch, Larkspur resident, stated that she had found cannabis useful in combatting the symptoms of early onset Alzheimer's and that the voters supported the legalization of cannabis. Ms. Wallitsch said she had never seen kids anywhere near the dispensaries she has visited and she asked the Town to allow dispensaries to operate.

Dr. Emily Tejani, Corte Madera resident, specialist in adolescent and adult addiction and mental health disorders, discussed her opposition to store fronts and outdoor growth. Dr. Tejani discussed the harmful effects of marijuana on teenagers, which included depression and psychosis. She discussed the increase of marijuana use by teenagers and the cost of treating mental health and addiction.

Jeremiah Mock, Corte Madera Resident, researcher of Public Health, UCSF, member of Coalition Connection, discussed the serious issue of cannabis use by students and addiction problems. Dr. Mock also discussed the relationship between use of high potency cannabis products and psychosis, and his opposition to cannabis storefronts and delivery services.

Henry, Corte Madera resident, stated that cannabis was a safe alternative to alcohol and prescription drugs. He said the Town should allow medicinal and recreational cannabis and not restrict potential taxes, and that cannabis improves the quality of life for people in pain. He commented on the existence of many drinking establishments in the Town, and suggested that dispensaries should be similarly regulated.

Phyllis Galanis, Town resident, discussed the problems of adolescent addiction to cannabis, which she said affects their performance in school, and further issues with the smell of cannabis.

Chelsea from San Geronimo discussed her support for medical marijuana and advocacy for a dispensary. She said that cannabis and cannabis products were healthier alternatives to prescription drugs, and she discussed a problem with doctors overprescribing drugs.

Karl Spurzem, town resident, discussed problems relating to the non-legalization of marijuana and studies from states that indicate benefits of legalizing marijuana, including a reduction in opioid deaths and a decrease in youth usage.

Tom, town resident, discussed the ways in which he has benefitted from marijuana following an accident, and said that teenage use was exaggerated. Tom said that dispensaries should be allowed to operate in Corte Madera and that he supported outdoor growth.

Janet Cutcliffe, town resident, asked the commissioners if it would be possible for the ordinance to be evaluated after two or three years to ascertain the effects on the community.

Lynn Murray, Summit Avenue, stated that she was opposed to allowing dispensaries to operate in the town and that tax revenue was already sufficient.

Chair Chase closed the public comment period.

In response to Chair Chase, Planning Director Wolff said that the commissioners could make a recommendation to the Town Council that the cannabis ordinance could be reviewed at a future date.

Vice-Chair Metcalfe discussed the problem of treating recreational and medicinal marijuana (which she supported), in the same manner. Vice-Chair Metcalfe said she could not support a delivery business because it could not be regulated and that she suggested the cannabis ordinance is reviewed in a few years to determine whether changes were necessary. She expressed a hope that the State differentiates between medicinal and recreational marijuana in the future.

Commissioner Lee stated that there did not seem to be a lot of support to change the ordinance, and he noted that people would still have access to cannabis should they wish. Commissioner Lee said he recognized that people did not want to see marijuana normalized in the town and that he would recommend that the Town Council approve the draft ordinance.

Commissioner Bandel discussed her belief that medical marijuana should be accessible and that she did not believe it should be normalized in the community. Commissioner Bandel said that she would not want to see storefronts selling products that would be available to children and that she would support the draft ordinance.

Chair Chase discussed people he knew who have benefitted from the pain-relieving effects of marijuana, but that the commissioners should be mindful of the safety and health of the town's inhabitants. He said he would reconsider supporting the proposed ordinance if there was no doubt that easily obtaining marijuana did not have a negative effect on the health of the community. Chair Chase said that better data on marijuana

was necessary and that the town was not ready to normalize the product by allowing a dispensary to operate.

A discussion took place between the commissioners and staff about recommending the addition of a clause to evaluate the ordinance at a future date.

**MOTION:** Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bandel to approve Resolution No. 19-014, recommending that the Town Council adopt an ordinance amending Titles 6 – Health and Sanitation, Title 9 – Peace, Safety and Morals and Title 18 – Zoning of the Corte Madera Municipal Code regarding cannabis regulations with the further recommendation that the ordinance is reviewed within a 3-year time period to reconsider its suitability as currently adopted:

**AYES:** Metcalfe, Chase, Lee, Bandel  
**NOES:** None

**6. BUSINESS ITEMS – None**

**7. ROUTINE AND OTHER MATTERS**

**A. REPORTS, ANNOUNCEMENTS AND REQUESTS**

**i. Commissioners**

Commissioner Bandel reported on the March 19<sup>th</sup> Town Council meeting, during which the following matters were discussed: Implementation of the Tobacco Retailer License Program on January 1, 2020, and a discussion on dedicating part of the town park for a dog park.

**ii. Planning Director**

Planning Director Wolff reported that the Town Council would be hearing the development proposal at the Preserve at their April 2, 2019 meeting; that the State of the Town public meeting would be taking place at the Corte Madera Inn on Wednesday, April 3<sup>rd</sup>; that the building permits for the town homes on Casa Buena Drive would be signed off shortly, and confirmation that no appeal was filed on the project at 76 Granada Drive.

**iii. Tentative Agenda Items for the Tuesday, April 9, 2019 Planning Commission Meeting  
(PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE)**

**A. PROPOSED ZONING ORDINANCE AMENDMENTS RELATED TO HOTELS – PUBLIC HEARING FOR CONSIDERATION AND POSSIBLE RECOMMENDATION TO TOWN COUNCIL REGARDING ZONING ORDINANCE**

AMENDMENTS TO THE C-2, C-3, C-4, AND MX-1 ZONING DISTRICT PERMITTING INCREASED FLOOR AREA FOR HOTELS.

**iv. Future Agenda Items**

***(PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE)***

**B. MINUTES**

**i. Planning Commission Meeting Minutes of February 26, 2019**

The minutes were continued to enable Commissioner Bundy, who was present at the February 26, 2019 meeting, along with Chair Chase and Vice-Chair Metcalfe, to participate in the vote.

**8. ADJOURNMENT**

A motion was made, seconded, and unanimously approved to adjourn the meeting at 9:45 p.m.