

MINUTES OF APRIL 2, 2019
REGULAR MEETING
OF THE
CORTE MADERA TOWN COUNCIL

Mayor Ravasio called the Regular Town Council Meeting to order at Town Hall Council Chambers, 300 Tamalpais Drive, Corte Madera, CA on April 2, 2019 at 6:03 p.m.

6:00 p.m. CLOSED SESSION

1. CALL TO ORDER AND ROLL CALL

Councilmembers Present: Mayor Ravasio; Vice Mayor Andrews and Councilmembers Beckman and Kunhardt (arrived at 6:22 p.m.)

Councilmember Absent: Councilmember Bailey

Staff Present: Town Manager Todd Cusimano
Town Attorney Teresa Stricker
Director of Planning and Building Adam Wolff
Public Works Director Peter Brown
Fire Marshal Ruben Martin
Town Clerk/Assistant to the Town Manager Rebecca Vaughn

OPEN TIME FOR PUBLIC COMMENTS ON CLOSED SESSION ITEMS ONLY – None

SALUTE TO THE FLAG – Mayor Ravasio led in the Pledge of Allegiance.

ADJOURN TO CLOSED SESSION

Recused: Vice Mayor Andrews recused himself from participating in Closed Session.

Mayor Ravasio adjourned to Closed Session regarding the following matters:

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: Larson v. Town of Corte Madera (Marin Sup.Ct. No. CIV 1803344)

CONFERENCE WITH LABOR NEGOTIATOR

Closed Session Pursuant to Cal. Gov't Code Section 54957.6

Agency Negotiator: Bob Ravasio, Mayor

Unrepresented Employee: Town Manager

6:44 p.m. REGULAR MEETING

1. CALL TO ORDER, SALUTE TO THE FLAG, ROLL CALL

A. Report out of 6:00 p.m. Closed Session

Vice Mayor Andrews announced that the Town Council gave instructions to the Labor Negotiator, Mayor Ravasio. Mayor Ravasio announced there was no reportable action on the item regarding existing litigation.

B. Report out of Closed Session from March 19, 2019 Regular Town Council meeting:

CONFERENCE WITH LABOR NEGOTIATOR

Closed Session Pursuant to Cal. Gov't Code Section 54957.6

Agency Negotiator: Bob Ravasio, Mayor

Unrepresented Employee: Town Manager

Vice Mayor Andrews announced that at the March 19th Closed Session, the Town Council

had given instructions to the Labor Negotiator.

SALUTE TO THE FLAG – led by Mayor Ravasio

2. OPEN TIME FOR PUBLIC COMMENTS

GEORGE MARSH, Burch Avenue, spoke of parking problems implemented by school administrators in the back of Corte Madera Gardens where the ADA ramp goes up to the Sandra Marker Trail, to San Andreas High School and Redwood High School. The schools' goals were to have fewer students driving to and from school, no driving from school for lunch and they thought this would address safety and reduction of emissions. Students therefore park in his neighborhood as a result and congest the streets with about 30-40 vehicles daily.

ROY WOLFORD, Sea Wolf Passage, spoke of the need for high quality infrastructure and said 3 times over 12 years he has been flooded, most recently on March 26th at 3:45 a.m. from ruptured water mains. He noted that it takes hours for the district to turn off the water and asked for the Town and District to work together to repair water mains. Fees were increased without infrastructure being fixed and he asked that this be done.

CARLA CONDON, Paradise Drive, reported that the Age-Friendly Intergenerational Center has 255 active adult members, approximately 120 children participating in programs, and said Marin General Hospital would like to partner with them in the fall and the Marin IJ is supporting the Center in the month of April with a one-quarter page advertisement at no charge.

DOUG announced that the Brown Act allows for short responses under public comments or future agenda items.

3. PRESENTATIONS

- A. Marin Municipal Water District (MMWD) Rate and Fee Proposal and Potential Impacts to Corte Madera.
Presentation provided by Ben Horenstein, MMWD General Manager
(10 minute presentation, 5 minute Q&A)

Mayor Ravasio prefaced the presentation, stating the Town is not taking a position or action on this item, stating it is purely informational for residents of Corte Madera.

Charles Duggan, MMWD Administrative Services Division Manager, introduced his colleague, Mike Ban, Environmental and Engineering Division Manager, and stated they are reviewing a water rate increase for one, an operating increase which is to be 4% each year for the next 4 years and second, a capital maintenance fee to pay for water main breaks, treatment plant and pump stations, and this is based on meter size.

Mr. Duggan presented a chart showing rate increases over the last 25 years, noting that if they raised rates per the CPI since 1990 they would be at a higher rate than they are now. The American Water Works Association (AWWA) conducts a 2-year survey which shows that aging infrastructure needs to be replaced.

The capital maintenance fee is proposed to be collected on property taxes and he presented a breakdown of meter sizes, per meter charge designed to raise \$16.5 million for the District's CIP. They are looking to add \$1 million towards their wildfire prevention efforts through this fee. They have over 21,000 acres of watershed lands, numerous trails and have over 2 million visitors per year.

Mr. Duggan concluded and described the District's operations, age of infrastructure, comparisons to other districts, and impacts from the increase to an average customer

which equates monthly to an increase of \$2.71. The capital maintenance fee adds about \$13.63/month.

Councilmember Kunhardt asked what determines the size of the meter for average homeowners. Mr. Duggan stated this is dependent upon 1) fire sprinkler systems, 2) size of the house and number of fixtures; 3) landscaping; and 4) location of dwelling.

Councilmember Kunhardt asked why the District might want to have an increase in proportion to use versus size of meter. Mr. Duggan said fixed charges are most commonly applied to meter size which signifies demand on the system.

Mayor Ravasio asked and confirmed the District was going to fix Roy's Street.

Councilmember Beckman noted that a water main broke on Sea Wolf Passage this morning and the same thing happened less than 2 months ago, 2 streets away, and this is the sign of an unacceptable maintenance flaw. He therefore asked how the District would prevent this from happening.

Mr. Duggan said they work closely with cities for their replacement program and he noted they have been working on the scheduling of this project. They have moved up this project to begin in the summer and it has already been designed. There will be main breaks, but they are attempting to replace about 9 miles per year and without this fee they will not be able to do that.

Councilmember Beckman recommended prioritizing areas where mains are popping at a rate of one per month. Mr. Duggan said they keep track of this to ensure they prioritize and plan appropriately. They also want to be sure that when the Town is planning to resurface a street that they time everything well.

Vice Mayor Andrews asked for the reason to exempt fire lines, noting that these are fairly large pipes.

Mr. Duggan said fire lines appear in either 2", 4", 6", 8" and 10" and these are pipes that come straight from mains to a commercial sprinkler system. They have a small meter off to the side so they can detect if there is any flow, but these are not intended to be used except in catastrophic events of an indoor fire. Therefore, these are not considered drags on the system.

Vice Mayor Andrews asked why the District was putting the fixed charge on the County's tax bill when they already have a billing system in place. He said in Corte Madera the Town voted to do away with a parcel tax and approved a sales tax increase in its place. The thought process at the time was to free up space so schools could put a measure on the ballot for funding, and he asked who the District consulted with in neighboring towns and school districts. He asked why minutes were not readily available and asked why information could not be presented about this.

Mr. Duggan stated the minutes for all meetings are on their website. Any slide shows are also available. As far as consulting, they did not consult with the school districts or cities about the property tax. It is something being considered by their board, and they have discussed the fact that this is a fee that goes towards the system's infrastructure and not just for normal usage. There is some question as to whether it would be more fair to put it on the property tax rolls because it is based upon providing service to properties and keeping service on those properties, whether they are being used or not.

Vice Mayor Andrews asked if the District was currently metering every unit in apartment buildings. Mr. Duggan said no. Not in all of them and was unsure of the statistical breakdown.

Vice Mayor Andrews asked why the District is exempting the fire lines since they participate in the system as well, feeling it is a disproportionate allocation of cost. He said this increases the values of the malls, office buildings, apartment buildings that must have fire lines.

Mr. Duggan said they did not think it was necessary at the time because they looked at load on the system. The fire lines are not a load on the system so it was not a factor. They have a balance between fixed fees and variable costs, and the fire lines did not make sense to be incorporated as part of this.

Councilmember Kunhardt asked if it would make sense to capture all of the value by the exact volume of usage at each property, regardless if it is residential or commercial, rather than by capacity.

Mr. Duggan said whenever they are designing rates they must strike a balance between fixed charges and variable charges. Ideally, people would like it to be variable charges so the more one uses, the more they pay. The reality is that whether people use water on a particular day or month, there are charges that must cover items like pipes in the ground, pumps, staffing, treatment plants, etc. So, the question is how much is charged under fixed and variable charges. They are trying to follow industry standards. Also, they want to be able to cover those times during drought when variable uses go down.

Councilmember Kunhardt asked and confirmed that MMWD bonds projects and they have about \$155 million in outstanding bonds. He clarified that the net serve on those bonds is paid by all ratepayers as part of their rate. Mr. Duggan added that if they were required to continue borrowing every two years, all money required for maintenance would grow to alarming levels. So, they need to calculate projects into their operating budget and to keep rates low, they have bonded, used reserves and now they are at a point where they cannot defer costs.

Vice Mayor Andrews asked if the District had any mechanism to identify rental properties from non-rental properties. Mr. Duggan said no. There are statistics in each city and he believes that 34% to 36% of the County is rental property.

Councilmember Kunhardt noted it is about 24% in Corte Madera.

Mayor Ravasio opened the public comment period. He noted that the Coalition of Sensible Taxpayers is tentatively on the agenda for the Council's next meeting for a presentation and will present their point of view.

DOUG KELLY, Coalition of Sensible Taxpayers, spoke of the coalition's issuance of a cease and desist order for on-going violations of the Brown Act by MMWD. They notice there is a financial meeting of two members and they have five members show up and then vote on the matter. The public is not aware of these and the 18 meetings should have been noticed, and this plan should have been developed during that time as opposed to being dropped on them now.

Regarding minutes, the minutes are extremely basic and do not provide needed information, and if the public requests slides or documents they may receive them as opposed to them being available on the website. He voiced concerns with the number of exemptions made which violate Proposition 218 regulations. The tax must be placed on the ballot and he left copies of the Marin IJ editorial which opposes the tax, and he asked that the Town suggest the District slow down.

Mayor Ravasio and Councilmembers thanked Mr. Duggan for his presentation.

4. CONSENT CALENDAR

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

- A. Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.
(Standard procedural action – no backup information provided)
- B. Second Reading and Possible Adoption of Ordinance No. 984 An Ordinance Of The Town Council Of The Town Of Corte Madera Amending Chapter 8.04 Of The Town Municipal Code To (A) Allow Dogs On Leash In Public Park Areas Designated By Town Council By Resolution, (B) Clarify That Leashed Dogs In Public Places Must Be Under A Person’s Constant Control, And (C) Make Other Nonsubstantive Changes
- C. Adopt Resolution No. 11/2019, Authorizing a Single, Publicly-Available Pay Schedule for all Town Employee Positions in Compliance with California Public Employee Retirement System (CalPERS) Regulations
- D. Adopt Resolution No. 12/2019 (1) Endorsing the Spark (Larkspur-Corte Madera Schools Foundation) Annual Spring Fundraising Gala, (2) Allowing two Temporary Signs in the Public Right-of-Way from April 23, 2019 to May 4, 2019 Publicizing the Annual Spark Spring Gala “Kentucky Derby Party” Fundraiser on May 4, 2019; and (3) Determining that the Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(B)(3).
- E. Approve Appointment of Mayor Ravasio to Represent the Town of Corte Madera on Newly Formed County-wide Disaster Preparedness Working Group, “Marin Ready Together”
- F. Authorize Town Manager to Sign Settlement Agreement and Mutual Release Between the Town of Corte Madera and Gary Champagne.
- G. Approve Proclamation in Support of Fair Housing Month, April 2019

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

To approve Town Consent Calendar Items A, B, C, D, E, F and G.

5. PUBLIC HEARINGS

- A. Consideration And Possible Action Regarding the RESIDENCE AT PRESERVE SUBDIVISION PROJECT located at Paradise Drive at Robin Drive (APN 038-011-21) to: (1) Adopt A Mitigated Negative Declaration, 2) Approve Planned Development Preliminary Plan Including Modified Zoning Standards, 3) Approve Tentative Map; 4) Approve Precise Plan, and 5) Approve Design Review, and 6) Introduce An Ordinance Amending The Official Zoning Map Of The Town Of Corte Madera By Changing The Zoning Designation Of The Residences From The Hillside Land Capacity Overlay Zoning To The Planned Development Overlay Zoning, To Facilitate The Creation Of A 19-Lot Subdivision And Private Street With 16 Single-Family Homes And 8 Accessory Dwelling Units, Including Associated Landscaping, Tree Removal, And Site Improvements.

Director of Planning and Building, Adam Wolff, stated before the Council is late mail received after the packet’s distribution as well as a few emails. In addition, he provided a copy of the Mitigation Monitoring and Reporting Program (MMRP) associated with the Initial Study and Mitigated Negative Declaration (ISMND) and should be included as Exhibit B to the draft resolution related to the MND.

Mr. Wolff spoke of the lengthy application process, stating the applicant went before the Planning Commission in 2016 for a preliminary hearing and study session, with the environmental resource agencies in 2016, and neighborhood meetings. The Town has requested story poles be erected for all structures and mark those trees slated for removal. The applicant produced a 3-D model and other visual tools of the project for the community to view which has been helpful, and staff has appreciated the effort and approach to the process by applicant AIMCO, LLP.

Staff also noted that the Town was fortunate to have a contract planner from the Metropolitan Planning Group, over the last 3 years but he has since taken a planning position after the Planning Commission. He also recognized Assistant Town Attorney Judith Propp, Public Works Director Peter Brown, Fire Marshal Ruben Martin and consultant Christine Gaspar from GHD who prepared the MND in compliance with California Environmental Quality Act (CEQA) for their involvement and review of the project. All are available for any questions of the Council.

There are a number of unique conditions of approval included in the draft resolution for the preliminary plan and tentative map, as well as the precise plan and design review application. Staff recommends the Town Council adopt Resolution Nos. 13/2019 through Resolution 15/2019 related to the entitlement applications, adopt the MND and introduce Ordinance No. 985 regarding the rezoning of the property. Staff has included options in the staff report which allow for other considerations, as well.

Mr. Wolff then described the site, its surroundings, environmental conditions and constraints, existing zoning and land use regulations, conditions for the proposed project and project entitlements, and he noted this project site was specifically called out in the Town's Housing Element since 2002 with policy recommendations and mandates for ADUs. He spoke about the site being in a High Housing Opportunity Area in town which meets the Town's Regional Housing Need Allocation (RHNA), along with three other projects and scattered Additional Dwelling Units (ADUs) in Town.

There have been discussions with Marin County Open Space District to formalize a trail up to Ring Mountain and there is a 3-year option for the District to exercise that option and have a 10 foot wide easement over the trail, and they are evaluating this now.

Mr. Wolff presented the current site plan, a 22 foot wide access road that accesses all of the proposed 16 units and he noted that those sites with red will have ADUs in them and those in blue are proposed to be homes without ADUs, which he briefly described. He pointed out parking, clustered approach being implemented through the Planned Development Overlay District, its setback from the stream, views from across the street on Robin Drive showing the story poles and lots, various unit types ranging from about 3000 square feet (1800 square foot home, a 650 square feet ADU and a 500 square foot garage) to the largest at 4200 square feet without an ADU and a 3 car garage. ADUs range in size from 650 to 750 square feet.

Mr. Wolff then presented a color and materials board, pointed to images of the units and floor plans, elevations of the project and their proximity to Paradise Drive, an alternative site plan that pulls two units further off of Paradise Drive, public improvements and fair share contributions by the applicant, landscaping features, dark sky compliant lighting, environmental protection actions incorporated into the project through CEQA along with certain mitigation measures.

Comments were received from agencies during the CEQA process regarding mitigation measures involving an acreage replacement process for the oak woodland and maintenance of open space areas in perpetuity. They also asked the applicant to review their site plan to identify additional areas where they could avoid removal of additional oak trees which has been accomplished.

Lastly, Mr. Wolff described the various actions requested for the Council to consider, as follows: 1) to adopt A Mitigated Negative Declaration, 2) to approve Planned Development Preliminary Plan Including Modified Zoning Standards, 3) to approve Tentative Map; 4) to approve Precise Plan, 5) to approve Design Review, and 6) to introduce Ordinance No. 985 amending the Official Zoning Map of the Town of Corte Madera by changing the zoning designation of the Residences From The Hillside Land Capacity Overlay Zoning to the Planned Development Overlay Zoning, to Facilitate the Creation of a 19-Lot Subdivision and Private Street With 16 Single-Family Homes And 8 Accessory Dwelling Units, including associated landscaping, tree removal, and site improvements.

A separate Resolution No. 15/2019 is contained in the packet which is for approval of the design of the structures and landscaping plan. The Planned Development Overlay District is also requesting a waiver of the requirement that at least one of the ADUs be owner-occupied. The ADUs serve as a way for the Town to achieve certain housing resources that are not readily available otherwise. Staff added several conditions that outline an affirmative marketing program intended to reach out and give the first opportunity for application for rental of the units to local residents geared towards workforce housing.

Public comments were received from a variety of neighbors voicing privacy concerns and potential view impacts from vegetation growth, and the applicant has addressed comments along with conditions of approval.

Staff is recommending approval and he stated the Planning Commission voted 3-0 on February 26th approval of all entitlements and to introduce the draft ordinance. There are a variety of General Plan policies the project addresses in terms of environmental conservation, meeting RHNA targets, providing trail access, improvements to circulation and others.

Vice Mayor Andrews asked how to distinguish the site plan from the alternative site plan in their discussions. Mr. Wolff stated the alternative site plan is there to address some of the comments and concerns from the CEQA review period. From the applicant's perspective, they wanted to have an option for the Council to consider because they want to show they are addressing comments received. They also recognize there may be other issues, as well.

Mayor Ravasio called upon the applicant.

Patti Schwayder, Senior Vice President, AIMCO, thanked the Town and residents for their comprehensive review of the project. She introduced the AIMCO team: Rich Hawthorne, Senior Vice President for Redevelopment; Derek Ullian, Vice President and Project Director, Duke McLarty, Director of Government Relations, Riley Hurd, Zoning Attorney, their architects from BAR, civil engineer from RSA, landscape architect from Carducci to answer questions.

She said AIMCO is a long-term owner of 12 apartment complexes in Northern California with 2600 homes in the Bay Area. She stressed they are a professional on-site management company with a commitment to quality and service. They acquired Preserve at Marin in 2011 known as Madera Vista at that time and this is an exceptional location. They acquired the surrounding acreage in 2013 and were excited to look at options for it.

The previous owner had proposed a high density development at the site and they decided to listen to the public and track the Housing Element which requires facilitation of the development of this property as a High Potential Housing Site. Thereby, providing 16 homes, 8 ADUs, no change in density, clustering homes away from sensitive areas and neighbors by using the planned development (PD), providing a high quality community, meeting affordable housing obligations and providing community benefits such as the multi-use pathway.

They spent three years working with neighbors and stakeholders on the plan which she briefly described. They have a marketing strategy reporting for the ADUs which is new. They added a playground to the project, are sustainably building the project, they will have a disturbance monitor and ADUs are affordable by design and will be made available to local workforce individuals. The ADUs cannot be occupied by those occupying the primary home and they have an annual reporting requirement to provide affordability data on rents.

She then stated neighborhood outreach meetings were held which have made the plan better and she described the many changes made to address all concerns and comments.

Rich Hawthorne, Senior Vice President for Redevelopment, AIMCO, spoke about the site as infill and described it as a prime location for needed housing. He spoke about the property's uses in the past, natural areas and siting of homes, impacts of R-1 zoning, provisions for large open spaces, stated only 20% of the entire site will be disturbed, impervious areas of 1.7 acres or 11% of the site, and density being low at one dwelling unit per acre.

Derek Ullian, Vice President and Project Director, AIMCO, displayed a zoomed in site plan showing the overall clustered plan moving towards Robin Drive, the project's architecture, material borders showing the natural palette in response to comments, development of Option 2 which shifts Lot 7 and 8 to create 21% more open space in between Lots 7 and 8, movement of Lots 6 and 7 between 5 and 14 feet further from Paradise Drive, and retention of 3 existing Coastal Live Oak trees which required some PD amendments, most of which were front yard setbacks. He then presented an actual photo with a rendering overlay showing the homes situated lower in the bowl area and not obstructing views, warmer colors, change of roof color from white to grey, and much greater setbacks from the Tiburon line. He said they are an average of 81 feet from the property line on the Tiburon side where the R-1 zoning allows for 25 feet.

Regarding sustainability, they are seeking Leadership in Energy and Environmental Design (LEED) certification for this project and are maintaining over 89% as pervious, 10.75% acres of preserved open space in perpetuity for the community, a clustered site approach to minimize grading, dark sky compliance with all down lighting, grey water irrigation and all garages are pre-wired with 240 volts for electric vehicles. Lastly, he described the many public amenities provided in the project for the Town and the issues addressed during the environmental public comment period.

Mayor Ravasio asked if there were questions from Councilmembers prior to opening the public comment period.

Vice Mayor Andrews said AIMCO is a rental organization and he asked if there would be a problem to restrict conversion of rental to for-sale units for 10 years.

Ms. Schwayder stated she thinks it would be a problem in terms of financing and succeeding with the development, as they are not a company that sells their product.

Mayor Ravasio asked if this would require a change in the plan and Mr. Wolff explained there are several conditions of approval that speak to this potentiality. There are requirements for certain restrictions that must stay in place and would pass through to whoever the ownership entity would be if sold, and Vice Mayor Andrews pointed to Condition No. 71.

Councilmember Kunhardt confirmed that each of the 16 buildings will be on its own lot that will be surveyed and recorded as an identified lot, yet the ADUs will not be deeded as a separate lot. Therefore, there are 16 buildings on lots and not 24. Ms. Schwayder confirmed.

Councilmember Kunhardt said at some point if there is a change of ownership, it is more likely it will be to 16 owners without a total change of subdivision.

Ms. Schwayder said yes, but the requirement for the 8 ADUs remain and if they are sold off lot by lot, there is a requirement for them to be owner-occupied. Therefore, there are protections for this.

Vice Mayor Andrews asked if the applicant had feelings about the alternative versus the existing site plan.

Ms. Schwayder stated both were presented to the Planning Commission and both are fine with AIMCO. The Planning Commission and staff preferred Option #2 and this is why they are presenting it tonight.

Mr. Wolff confirmed that the Planning Commission indicated it would be important to preserve as many trees as possible and this is why they preferred Option #2, as well as the fact it pulled the two lots off of Paradise Drive further, and staff also felt it was important for them to pursue this.

Mr. Wolff stated Condition No. 52 speaks to ADUs and if the lots were individually sold. The owner occupancy requirement would come back into play. In fact, if they were sold to individuals, the Town's owner occupancy requirement that one of the units be occupied by an owner would be in effect. The CC&R's under Condition No. 71 on page 12 addresses the requirements for including the other restrictions on the property.

Vice Mayor Andrews said in terms of the Covenants, Conditions & Restrictions (CC&Rs), he asked how the Town can be assured there will be financing to maintain the private road and also that the private open space be maintained.

Mr. Wolff stated he would imagine maintaining the private road would be similar to those in Town in terms of responsibility by AIMCO. This would be part of any sale where the owner would have to identify how maintenance would be budgeted through a homeowner association through fees and their reserve study. He said staff can work on including verbiage to this effect.

Riley Hurd, Zoning Attorney for AIMCO, stated in Condition No. 71 which creates the CC&R requirement, if the sale were to occur, it requires a 90-day notice period to the Town so CC&Rs can be drafted and reviewed. Already built into the condition is both the private open space easement which has maintenance provisions built into the easement as well as maintenance of shared facilities, one of which is the road, which are identified in the Tentative and Final Map.

In response to Councilmember Kunhardt, Mr. Hurd further explained the open space is being shown on the recorded Final Map as open space and the Town has required a concurrent recordation of a deed restriction that it remains as private open space. This is better in that it goes to the grantor and grantee index at the Recorder's Office that those three parcels are not buildable.

Regarding the trail, they do not yet know whether the Open Space District wants the trail, but it comes with maintenance responsibilities, liability. Additionally, the Trails Management Plan under review by Marin County Open Space District is looking at the number of access points to Ring Mountain and making a recommendation as to what the appropriate numbers of access should be. If they decide to exercise their option it is there for them to take over, but if they do not, there is still a public easement recorded in perpetuity for the trail so people can traverse it.

Councilmember Beckman said the site plan is beautiful and lush and he asked the Fire Marshal if he was supportive.

Fire Marshal Ruben Martin stated he reviewed the plan in September 2017 from a vegetation management standpoint. Unfortunately, it did not meet their required standard and the property owners have revised the plan several times. They have reviewed the plant species, walked the site with the property owners to see which trees can be preserved and which trees should be removed to consider making the property as safe as they can from wildland fire risk. They were supportive of both plan options because each still requires the property owner to maintain the property after it has been planted and landscaped.

Councilmember Beckman asked if all of the landscaping on site were native species.

The landscape architect stated not all are native, but nothing is invasive. Marin Municipal Water District has a long list of those native and invasive species that cannot be used, so they are referred to, along with the California Native Plant Council which has a long list and nothing on that list is used. The CEQA consultant also reviewed this, and they will have a biologist reviewing everything. Most all species are considered low water use and there is some moderate water use, but mostly around the water course. He estimated that 70% of plantings are California native species.

Councilmember Kunhardt referred to mitigation measure and Bio-4 deals with French Broom, and he asked if the landscape architect agrees with the fact that not all of the broom can be removed. The landscape architect stated it returns and it is more of a maintenance issue and it must be continually managed.

Councilmember Kunhardt stated one of the ideas is to paint the cut broom stems with glyphosate paint immediately after cutting, and he asked if this was recommended. The landscape architect said sometimes this is the best thing to do with invasive trees and plants.

Ms. Gaspar said she discussed this with her biologist to ensure they were adding correct verbiage. There are a number of options to get rid of it, but it will take many years, especially with the neighboring property that has it. There were people who had interest in removing the French Broom, but she did not have an opinion on the glyphosate paint.

Councilmember Beckman referred to the upper parcel and he confirmed the trail that exists will remain a trail for public use unless Marin County Open Space decides it should be closed for maintenance reasons. He also confirmed the invasive species will be mitigated for the upper parcel as well.

Councilmember Beckman stated affordable and/or workforce housing is important to him. He asked if there were any rent calculations for the ADUs to ensure a teacher could afford to live in one of the ADUs. He noted at Tam Ridge, even the discounted units were very expensive.

Mr. Ullian explained that based on a recent San Rafael project of about 140 units, the affordable by design concept played strongly in that development due to the unit sizes and this is why California Department of Housing and Community Development (HCD) allowed certification of Corte Madera's Housing Element to utilize second units for a portion of the demand. While they do not know the exact rental numbers for this project given it will be 2 years from now and possibly a different economic climate, projections put the second units at the low end of the moderate range because of their size.

Councilmember Beckman asked if an elementary school teacher fell into the moderate income range. Mr. Ullian said this is the reason the marketing plan was targeted at those types of people due to their proximity but also their affordability matching their pay and roles. So, this includes teachers and classic moderate to lower moderate income levels.

Councilmember Beckman said in looking at Exhibit B which is the MMRP, he sees

everything here is monitored by the Town, and he asked if this was paid for by taxpayers or the applicant.

Mr. Wolff stated the actual assessments are done by the applicant. There is review of that information that must be submitted to the Town, and the Planning Director will ultimately approve those and give the owner the authority to move forward. The actual experts hired to undertake the assessments and analyses are undertaken by the applicant. There is not an explicit condition that staff time will be paid for, but it is generally not included in other similar projects. If there is an overlap or extra time needed for the building department to undertake permit review, he can bill time for site inspections through the inspection process.

Councilmember Kunhardt said there is a restriction for second units to be rented to the same family in the primary unit. He asked if a grandmother would be allowed to rent the unit.

Mr. Ullian clarified this is not AIMCO's policy but a condition of approval of the application proposed by the Town. The way it was worded was very careful to absolutely allow an aging in place relative or care provider to rent the ADU. It is designed to be a different human being renting the ADU. Mr. Wolff pointed to Condition No. 51 in the packet.

Councilmember Kunhardt asked and confirmed that the views described were taken from the second story. He asked if it was the Town's policy to protect primary unit occupancy space views like from the living room or dining room of a house.

Mr. Wolff said it is really a case-by-case analysis. Staff finds it is difficult to unilaterally say a view can only be valued from a certain room because people use space differently. The views they often see that are important to individuals are from their living rooms or bedrooms or particular outdoor areas set up to capture a view.

Councilmember Kunhardt asked if the Town was being asked to remove the hillside standard and apply a PD standard, while still maintaining the standards of both for low density of the hillside and flexible setbacks.

Mr. Wolff said yes and frankly they would have done both, but the code states they cannot have a PD and hillside land capacity (HLC) at the same time. It has been negotiated to achieve both and he recognized the applicant for coming forward with this.

Councilmember Kunhardt asked if the wood in the project was hardy board and fire safe. Mr. Ullian said yes and it will look just as good 10 years later.

Mayor Ravasio asked Mr. Martin to address the fire standards and why the development will be fire resistant.

Mr. Martin explained that under the California Building Code and California Residential Code, buildings that are built within a wildland urban interface must meet a certain standard for exterior wall fire ignition to resist fire. They recommend a cementitious exterior siding, Class B roof assembly where the standing seam metal roof meets, using a tempered glaze window to prevent glass from shattering and fire getting inside the house. Therefore, all of the compliance standards for this development are being met.

Town Attorney Teresa Stricker clarified that there was a question asked earlier about the maintenance obligation with respect to the private road and if this were eventually converted to private ownership and whether that would follow. She referred to paragraph 71 in the CC&Rs and said there is a maintenance declaration for all shared facilities and a list of examples. If the Council wanted to list specifically the private road, she spoke with AIMCO's attorney and they have no objection if the Council wished to add that as an express example. She did not think it was absolutely needed, but the Council could do so.

Vice Mayor Andrews stated he would like to add it because it is a privately maintained road with access from the public.

Ms. Stricker agreed that the Council could add to Condition No. 71 in the CC&Rs, Item E; "Maintenance Declaration for all Shared Facilities". There are several examples listed for access, parking, water lines, storm drains, sewer lines, etc. and she could add "private road" before "etc." if the Council wishes to move forward with it.

Mayor Ravasio opened the public comment period.

CARLA CONDON, Paradise Drive, spoke of the conceptual application made 20 years ago for nearly 300 units on this site. At that time, the Town had an out of compliance Housing Element and many protested this type of development feeling it was inappropriate. While on the Planning Commission and Council she worked to add language for granny units and ADUs to the Housing Element and felt AIMCO has done a fabulous job in what they are presenting.

She requested the applicant consider the following changes: 1) move down the slope of the two houses that impact 15 Cibrian Drive toward the flat pad; 2) asked if the ceiling heights of those two homes could be reduced because of solar installations; and 3) to "beef up" landscaping on Robin Drive and Paradise Drive.

DAVID MCPHEARSON voiced support of the project and said he appreciates the developer's fair share for the multi-use path. However, he asked if the Town could impose and the applicant agree to pay for the actual cost of construction. His concern is that it is unlikely the Town will be able to afford to complete the multi-use path and he asked for a condition that the actual cost for the multi-use path be completed by the applicant.

The gap in front of Marin Country Day School is slotted to be completed, as well, and this has been a priority of the Town. This means that tenants would be able to go from their homes all the way to the ferry building on a grade separated, multi-use path on foot, bike, electric scooter, skateboard or wheelchair which would be a fantastic goal. He also asked to see happen a switchback path from upper Robin Drive to come all the way down to the multi-use path, similar to the Buckeye Restaurant.

JIM MALLOT said he is an architect and used to be on the Tiburon Design Review Board where he developed the Town's design guidelines and provided copies to staff. He is representing Ms. Harris and Mr. Lupe on this at 15 Cibrian Drive, but one issue he feels is the most important is on the colors of the buildings. Everything except for the white board disappears into the white background. He spoke of tree colors and thinks the houses should be camouflaged in that same color. The beiges are lower, but the white needs to be changed to a darker value. Otherwise, they will stand out just like the apartment buildings do now and can be seen from 20 miles away.

Secondly, he said there is a screening issue at 15 Cibrian Drive, stating they are wide open because of the needle grass issue down the hill and very little planting will camouflage or provide privacy for tenants downhill and those living at 15 Cibrian Drive uphill. He asked for a resolution to this issue, and thinks there needs to be a further extension of this hearing to resolve the screening issue.

Lastly, the exterior lighting consists of 25-30 fixtures which are flat and while they look nice, at nighttime they will brighten the pole and they need to be deeper shielded down lights and a different fixture.

Vice Mayor Andrews asked Mr. Mallot to point to which color he was questioning, which Mr. Mallot pointed to, stating the white will stand out in the hillside.

ANNETTE HARRIS, Tiburon, said she attended the Planning Commission meeting, thanked the AIMCO team for being available and for holding community meetings. She said some of what the Council has seen by way of slides is not completely accurate, and said her views of Mt. Tam are not blocked if she turns her head to the sides. Also, second floor living space is not defined by every household and she asked the Town Council to take into consideration people who live here and who want to continue to live in harmony with neighbors.

Councilmember Kunhardt asked about the situation when turning her head, and he clarified that Mt. Tam is not obstructed by any of this development.

Ms. Harris clarified that one slide indicated that it was taken from the second floor of her property and that the Mt. Tam view was not being obstructed. This is only correct when one is standing in one spot and only looking in that direction. There is also a water view and a view of Paradise Drive going downhill.

Vice Mayor Andrews referred to Ms. Harris' comments regarding landscaping and asked what she would propose and where.

Ms. Harris said ideally she would work collaboratively with the AIMCO landscaper and determine what would be feasible. She said she cannot plant trees just anywhere on her property versus where the needle grass is located without changing the CC&Rs she must abide by. Therefore, she would like to work collaboratively with AIMCO.

MARK LUPE said he is the resident at 15 Cibrian Drive and he thanked the Council for responding to his email written today. The project should be approved without a doubt, but he suggested the Council approve the project subject to a landscape screening condition to be determined. His wife is correct in that they cannot plant anything given their CC&Rs, so he asked for as much as can be shielded from down below. He said their primary living area is very sensitive to them and said he simply would like a condition for landscaping to be determined.

Rebuttal – Applicant

RILEY HURD, Applicant Attorney, said in addressing comments from Mr. Lupe and Ms. Harris, AIMCO agrees with them whole-heartedly. The collaboration requested is built into the proposed approval documents, under Condition No. 64 on page 106. The condition strikes the balance between the presence of needle grass and the desire for screening. The condition requires "In consultation with the CEQA consultant and biologist, and being sensitive to the needle grass, find the best that can be done for screening from 15 Cibrian Drive." The findings do not rely on vegetative screening on pages 93 and 94 but they rely on the distance between the structures, topography change between the homes and the fact they are 80 feet away in a town where there are 6-10 foot side yard setbacks. AIMCO agrees to the condition and will work to provide as much screening as possible.

He appreciates the support from former Councilmember Carla Condon, said they looked at moving the homes even further away, but they ran out of space. The solar panels are as much as matte finish as possible and are placed in between the seams of the roof and rolled out as almost a paper-like structure. Lastly, regarding the issue of the color, it was in response to the Planning Commission and at past hearings. A black and grey development was not right for this site, but the facades that face uphill to Cibrian Drive are brown clad facades which were purposeful, and the stucco faces their own development.

Mayor Ravasio read Condition No. 64 which states "Property owner will be required to maintain screening to ensure vegetation does not substantially impair primary views of Mt. Tam and the Bay from 15 Cibrian Drive, rear yard swimming pool and patio and west facing windows in the residence and shall be evaluated by the Planning Director and will consider evidence provided by the 15 Cibrian Drive project site property owners and may be contingent upon a site visit to 15 Cibrian Drive."

Mayor Ravasio, Vice Mayor Andrews and Councilmembers voiced support of Option #2.

Vice Mayor Andrews said he can make the findings, support the project with the caveat that “private roads” be added to the list of examples under paragraph 7 of the CC&Rs, and to ensure there is clear direction for maintenance of open space in good fire management conditions.

Councilmember Beckman recognized the robust process, thanked staff and the Planning Commission for their diligence, and thinks the project results in minimal impacts to traffic, views, and adds to the Town’s RHNA count and workforce housing needs. Regarding environmental aspects, this site is not prime habitat and the site is basically an infill site. He understands there are sensitive habitats in the upper and lower portion, but he was supportive of the mitigation measures to address any concerns. The biggest win for the project is the condition that the upper parcel will be protected in perpetuity as private open space but accessible to the public.

Mayor Ravasio echoed Councilmember Beckman’s comments and added the project is consistent with the General Plan and Housing Element. He disclosed he visited the site with Councilmember Kunhardt and he likes the fact the Town is getting a significant contribution of a path for bicyclists and pedestrians and he would love it if it could develop to the Larkspur ferry. An even better win is taking 11 of 15 acres and developing them as open space and the fact that the Fire Marshal supports the project. He was confident that the owner has done a terrific job with Preserve at Marin which is a nice community. He therefore voiced his support, with conditions as stated by Vice Mayor Andrews.

Councilmember Kunhardt echoed comments and he disclosed that he visited the property, suggested using the paint colors being suggested by homeowners on Cibrian, and thinks the project has become refined through careful consideration by the applicant and involvement with neighbors. He thanked AIMCO for their work and recognized sustainability features.

EXTEND MEETING

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

To extend the meeting 30 minutes to 10:00 p.m.

Councilmember Kunhardt asked staff for the number of motions needed for approval. Mr. Wolff stated staff can identify which resolution should include the condition regarding the private road. As part of the motion, he asked to refer to the MMRP which was excluded from Draft Resolution 13/2019 which is the first to be considered.

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

To adopt Resolution 13/2019 adopting the Initial Study and Mitigated Negative Declaration inclusive of the Mitigation Monitoring and Reporting Program as an exhibit to Resolution 13/2019.

Mr. Wolff suggested the Council refer to the alternative site plan in Attachment 19 in making a motion and the requested language in Condition No. 71 such that Paragraph E reads “maintenance declarations for all shared facilities, access, parking, water lines, storm drains, sewer lines, private road and open space, etc.”

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

To adopt Resolution 14/2019, approving the alternative site plan in Attachment 19 and adding the requested language in Condition No. 71 such that Paragraph E read, "maintenance declarations for all shared facilities, access, parking, water lines, storm drains, sewer lines, private road and open space vegetative plan, etc."

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

To adopt Resolution 15/2019, approving the Precise Plan and Design Review, as amended, to approve the alternative site plan in Attachment 19 and adding the requested language in Condition No. 71 such that Paragraph E read, "maintenance declarations for all shared facilities, access, parking, water lines, storm drains, sewer lines, private road and open space vegetative plan, etc."

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

To waive first reading and introduce Ordinance No. 985 Amending the Official Zoning Map of the Town of Corte Madera by Changing the Zoning Designation of the Residences from the Hillside Land Capacity Overlay Zoning to the Planned Development Overlay Zoning, to Facilitate the Creation of a 19-Lot Subdivision and Private Street with 16 Single-Family Homes and 8 Accessory Dwelling Units, including Associated Landscaping, Tree Removal, And Site Improvements.

6. BUSINESS ITEMS – None

7. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

- Mr. Cusimano presented the FAQ for the Chipper Program which is active and said he recognized Marla Orth which has coordinated a schedule for the program of Meadowcrest and Fairview Ridge of 18 homes, Hidden Valleys of 75 homes, Upper Chapman of 83 homes, Lower Chapman of 360 homes, and Christmas Tree Hill of 285 homes for work between now and May 30th.
- \$300,000 has been dedicated to this work and the Town will help with \$150,000 for some of the shared properties to clear pathways as well as streets going up Christmas Tree Hill. On May 1st, staff is sending out information regarding the ordinance to alert neighbors they need to abide by the ordinance with consequences if they do not.
- He has been monitoring parking issues with the school district and coordinating with Larkspur and CMPA and will coordinate with the neighborhood. He plans to follow-up with permit parking if needed to restrict parking.

- Council Reports

- Councilmember Kunhardt gave the following report:
 - Mr. R.J. Suokko did a great job at the Marin County Sea Level Rise Adaptation Workshop in presenting the Town's plan and resilience plan which was well received.

- Councilmember Beckman gave the following report:
 - He attended the Chamber of Commerce meeting this morning and the Executive Director voiced concerns regarding the Town's leash law adopted which was a conflict of badly behaved dogs and large crowds on the 4th of July. However, Mr. Cusimano noted that they have never had a dog bite in Town Park and allayed concerns.
 - He attended a meeting of the working group for the Town Hall Annex project last Friday which is progressing well. They are moving towards scheduling the first public workshop.
- Vice Mayor Andrews had no report.
- Mayor Ravasio gave the following report:
 - He attended the Mayors' Meals on Wheels a couple of weeks ago and visited several households delivering lunch.
 - The State of the Town will be held tomorrow at noon.

8. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING

A. Review of Draft Agenda for April 16, 2019 Town Council Meeting

Vice Mayor Andrews requested adding a Business Item regarding Consideration of Authorizing the Mayor to send a letter to the League of California Cities concerning their participation in the Marin Open Space District Community Venture Partners lawsuit and the fact that the Town was not consulted prior to getting involved.

Mr. Cusimano stated the League of California Cities has an interest with all cities on rulings regarding CEQA, but this is at the County level and it was a question regarding decision-making under CEQA. Therefore, he did not believe it impacts cities and towns at this time as it is at the County level at this time.

Vice Mayor Andrews said he was concerned that they did not consult with any of the local jurisdictions at all. Councilmember Beckman suggested he and Vice Mayor Andrews met with Nancy Hall-Bennett to discuss this further and thereafter, it could be agendized at that time.

Councilmember Kunhardt stated there have been many things done for Fair Housing Month at the County level, one of which is discrimination based on income levels, and he suggested visiting this issue. He said the Council also discussed moving and enhancing what the Town of San Anselmo has done for electric vehicles and asked to discuss this at some time in the future, as well.

Mr. Cusimano stated the Town was expecting a potential appeal which may be resolved and staff can bring the cannabis ordinance to the Council on April 16th depending on noticing requirements. He suggested taking this up soon, given busy summer months. He also asked for a business item to discuss how the Council supports legislation, the process, and how to place issues on the agenda and timing of sustainability items. He said Councilmember Beckman has been discussing having a sustainability committee and then come before the Council as a recommendation of the committee. Therefore, he would like to agendize this for the next meeting, and Mayor Ravasio concurred with the need to discuss how to address these types of items.

9. ADJOURNMENT

The meeting was adjourned to the Sanitary District Meeting at 9:50 p.m. and thereafter to the April 16, 2019 regular meeting at Town Hall Council Chambers.