

MINUTES OF SEPTEMBER 19, 2017

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 Furst called the Regular Meetings to order at Town Hall Council Chambers, 300 Tamalpais Drive, Corte Madera, CA on September 19, 2017 at 6:32 p.m.

1. CALL TO ORDER AND ROLL CALL

Councilmembers Present: Mayor Furst, Vice Mayor Condon and Councilmembers Bailey and Ravasio

Councilmember Absent: Councilmember Andrews

Staff Present: Town Manager Todd Cusimano
Town Attorney Teresa Stricker
Director of Planning and Building Adam Wolff
Kelly Crowe, Senior Civil Engineer
Police Chief Michael Norton, CMPA
Town Clerk/Assistant to the Town Manager Rebecca Vaughn

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

2. OPEN TIME FOR PUBLIC DISCUSSION

DAVID MACPHERSON, Corte Madera Avenue, Safe Roads to School representative for Larkspur-Corte Madera School District and Vice Chair of the BPAC introduced his daughter, Lucy and complimented the Town for making Tamalpais Drive improvements which is now safe and perfect to walk, bike and drive on. He reminded everybody to attend the September 27th meeting where the County will present the Independent Geotechnical Survey Report Findings and Conclusions to be held at the Community Center starting at 6:30 p.m. He then spoke about an orchestrated small group of opposition who plan to challenge the findings of the geotechnical report and asked everybody to stay objective.

LUCY MACPHERSON said the flashing LED lights have made a big difference for kids who walk and bike to school.

DAVID KUNHARDT, Hill Path, reported that the Climate Action Subcommittee of the Board of Supervisors will be holding an event, "*Draw Down Marin*" on Tuesday, October 3rd at 6:30 p.m. at the Showcase Theater at the Civic Center.

JOHN PALMER, Scott Valley, stated last week the County published its report on the revised estimates to the 2010 Corridor Study for reconstructing Alto Tunnel at \$46.8 million for the tunnel and backfilling certain segments at an additional \$8.5 million. The \$46.8 million estimate does not include \$8.7 million estimated in the 2010 study for required improvements to the Corte Madera and Mill Valley sides. Therefore, the County's full estimate adds \$8.7 million for a total of \$55.5 million.

He spoke about the greater deception of creating a low estimate for approvals and of the 1982 work to backfill the tunnel, noting that the vast majority above the interior of the tunnel is County open space with no structures. The two critical segments still belong to the Union Pacific Railroad as an easement and the report presents an "either/or" stance which only addresses bicycling advocates' desires. He also presented today to the Board of Supervisors to ask that the County DPW clarify that the County does not own the critical

segments the consultants recommend to be backfilled and that the County has no obligation to fix them.

DENNIS RODONI, District 4 Supervisor, announced that his Corte Madera fall office hours are set at October 13th from 2-4pm at the Community Center.

3. PRESENTATIONS

3.1 Update on Tamalpais Drive Overcrossing Pedestrian Enhancements Presentation by CalTrans and Skidmore, Owings and Merrill, LLP

Craig Hartman, Architect and Urban Designer, Skidmore, Owings and Merrill, LLP, said he is a Corte Madera resident and introduced Patricia Yay, Senior Manager and her family who are also Corte Madera residents and supporters.

He spoke of the separator which divides the east and west sides of the town, plans over the years for new bicycle lanes and hiking trails that are almost complete and an opportunity to make a loop that would link both sides of the neighborhood with one missing link, which is the bridge at Tamalpais Drive.

Mr. Hartman gave a PowerPoint presentation and said in the 1980's two new exit and access lanes were provided. Five traffic signals were installed sometime later which calm and slow traffic; however, there are critical points that are non-signalized, unprotected, high speed connections to Highway 101. These points make it impossible for families with children to bicycle or walk across bridge without encountering high speed intersections. The other two critical points are bus stops that are positioned at the base of the high speed cloverleaf intersection onto Highway 101 and people must cross over the high speed on ramp to get off of the bus.

Proposed is removal of the two clover leaves and two non-signalized connections and replace them with a simple connection at the two points at the east and west sides of Tamalpais Drive at the bridge. These will allow safe pedestrian and bicyclist connections across the bridge. This would free up about 10 acres of space in the middle which could be used over time such as a park, open bio-swale, or a commuter bus stop.

They propose that on the north side of the bridge to add a traffic separated pedestrian and bicycle promenade that connects between the two stop lights. With this, they can also provide space similar to what is next to the Village Center, a new pedestrian plaza, a smaller plaza on the west side and other crossings that are now protected which he described and presented.

In conclusion, Mr. Hartman said they believe this is an opportunity to create a significant new connection in the community which would link both sides of the community, making a very safe and memorable connection to use. He thanked Mayor Furst, Pat Ravasio, and Jean Severinghaus, as well as support by the TAM and Dan McElhinney of Caltrans.

Dan McElhinney, Caltrans District 4 Deputy Director, introduced Bill Whitney from TAM and team member on the Community Connector Working Group. He provided handouts entitled the Caltrans Mile Marker and Performance Report which is available on-line. He highlighted that Caltrans has a *Rebuilding California* website to address current statewide and regional events. The performance report discusses topics such as the budget picture, cutting water use, freight routes, bridge conditions, solar use, litter bugs and new technologies.

Mr. McElhinney said they are at the right time in history for this interchange, and since 1958, they are still maintaining a structure which is struggling against weather, heavy traffic and truck use. Bus stops were innovative during this time, but today there are concerns regarding pedestrian and bicycle safety at the interchange. In 1985, the clover

leaves were found to be a safety hazard as well as a congestion factor and they were removed.

In 2012 there was a project to stabilize the bridge abutments so they would no longer settle and cause issues and this was the last major project. He presented various photographs of the bridge, aerial sidewalk views and stated the bridge has some steep approach grades of 8.5%.

Caltrans has received approval for a project initiation document which will review the bridge's overall structure and width issues. The project will be competitive for programming dollars to work on the structure which include ADA related improvements and bringing up to standard sidewalk widths, pedestrian/bicycle safety, curb ramps, and the barrier rail improvements.

Caltrans is also reviewing the bridge for seismic retrofit. It had previous restrainer cables installed which act like seat belts and these will be reviewed again along with some basic cleanup of the structure and also review of potential replacement of the bridge.

He then presented slides of various alternatives for bridge improvements, ramp re-alignment, potential removal of the bus stop at the northbound Highway 101 loop on-ramp, and other improvements. They are still gathering data moving forward and the project initiation document phase must consider Complete Streets and traffic operation overall for work, school, shopping, and coordination with stakeholders and partners.

Funding is in place to start the project initiation document and they plan to conservatively complete this by June 2019. It depends on how much of the maximum alternative becomes a reality based on the seismic retrofit consideration by bridge designers, which could lead to additional studies. When completed, the scope, cost and schedule would be available for programming considerations at the state, TAM or MTC level.

Lastly, Mr. McElhinney thanked the Town of Corte Madera, the Community Connector Working Group, TAM, CHP, all stakeholders, the business community and transit partners.

Vice Mayor Condon noted this project was one of the Town's General Plan goals in the early 2000's and she thanked all involved for their work. She asked if the plan includes mitigation to prevent the overcrossing from sinking.

Mr. McElhinney said the bridge is not currently sinking as it was stabilized in 2012. However, they may need to replace the interchange based on the seismic design alternative consideration which they will learn about, along with the funding decisions.

Vice Mayor Condon asked if grant funding could be applied for which was just opened from the state. Mr. McElhinney said there are always grant funding opportunities and this project would most likely be funded given it is related to bicycle/pedestrian, ADA, and safety improvements.

Mayor Furst thanked and recognized Dan McElhinney, Craig Hartman and Patricia Yay from Skidmore, Owens and Merrill, Jean Severinghaus who represents Marin on the Caltrans Bicycle Pedestrian Advisory Committee who identified that this particular overcrossing had been identified by Caltrans for ADA upgrades, TAM's Project Manager Bill Whitney and Pat Ravasio.

4. CONSENT CALENDAR

Town Manager Cusimano requested removal and continuance of Items 4.I.iv and 4.I.viii.

4.I TOWN ITEMS

- 4.I.i Possible Action to Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.
(Standard procedural action – no backup information provided)
- 4.I.ii Second Reading and Adoption of Ordinance 967 To Amend The Town of Corte Madera Municipal Code (CMMC) Section 18.08 (R-Residential Districts) and Section 18.24 (General Provisions and Exceptions) to Increase the Allowable Maximum Portion of Parcels that May Be Covered By Structures in R-1 Medium Density Residential Zones.
(Report from Doug Bush, Associate Planner)
- 4.I.iii Second Reading and Possible Action to Adopt Ordinance No. 969 Amending Section 2.04.010 Of The Corte Madera Municipal Code (Meetings) To Change The Start Time Of Regular Town Council Meetings From 7:30pm To 6:30pm
(Report from Rebecca Vaughn, Town Clerk)
- ~~4.I.iv Consideration and Possible Action to Approve Amendments to Planning Commission Rules and Procedures
(Report from Adam Wolff, Director of Planning and Building)~~
- 4.I.v Consideration and Possible Action to Approve Resolution No. 37/2017 Authorizing the Town Manager to Enter Into a Professional Services Agreement with Tyler Technologies for Implementation, Maintenance and Ongoing Support of the Incode 10 Enterprise Resource Planning (ERP) System
(Report from Todd Cusimano, Town Manager)
- 4.I.vi Consideration and Possible Action to Approve Resolution No. 46/2017 Withdrawing the Paradise Drive Multi-Use Pathway Gap Closure Project (Project No. 15-025) From the Federal STIP/PCA Program and Authorizing A Swap of Federal Funds for Local Funds With the County of Marin
(Report from David Bracken, Assistant Town Manager/Director of Public Works/ Town Engineer)
- 4.I.vii Consideration and Possible Action to Approve Notice of Completion for Tamalpais Drive Complete Streets Project (Project No. 15-003)
(Report from David Bracken, Assistant Town Manager/Director of Public Works/ Town Engineer)
- ~~4.I.viii Consideration and Possible Action to Approve Grading Permit at 72 Industrial Way For A Marsh Restoration Project By The Marin Audubon Society
(Report from David Bracken, Assistant Town Manager/Director of Public Works/ Town Engineer)~~
- 4.I.ix Consideration and Possible Action to Approve Plans and Contract Documents and Authorization to Advertise for Bids for the Paradise at Prince Royal Pedestrian Crossing Improvements, Project No. 15-024
(Report from David Bracken, Assistant Town Manager/Director of Public Works/ Town Engineer)
- 4.I.x Consideration and Possible Action to Approve Town of Corte Madera Response to Marin County Civil Grand Jury Report: Public Engagement in Marin: A Pathway to Inclusive Governance
(Report from Rebecca Vaughn, Town Clerk and Todd Cusimano, Town Manager)

- 4.I.xi Consideration and Possible Action to Appoint Eli Beckman to Flood Control Board to Serve the Remainder of an Unexpired Term Ending on June 30, 2019.
(Report from Rebecca Vaughn, Town Clerk)
- 4.I.xii Receive and File August 2017 Revenue and Expenditure Report
(Report from Daria Carrillo, Finance Director)
- 4.I.xiii Approval of Amendments to Adopted Town Budget FY 2016-2017 (Carryovers to FY 2017-2018)
And
Approval of Amendments to Adopted Town Budget FY 2018-2018 (Carryovers from FY 2016-2017)
On Park and Recreation Capital Projects/Acquisitions
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 4.I.xiv Consideration and Possible Approval of Warrants and Payroll for the Period 8/10/17 through 8/24/17: Warrant Check Numbers 216820 through 216914, Payroll Check Numbers 5568 through 5576, Payroll Direct Deposit Numbers 32768 through 32907, Payroll Wire Transfer Numbers 2198 through 2204 and Wire Transfer of 8/24/17.
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 4.I.xv Consideration and Possible Approval of Warrants and Payroll for the Period 8/25/17 through 9/06/17: Warrant Check Numbers 2169155 through 217007, Payroll Check Numbers 5577 through 5590, Payroll Direct Deposit Numbers 32908 through 32978, Payroll Wire Transfer Numbers 2205 through 2209 and Wire Transfer of 10/02/17.
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 4.I.xvi Consideration and Possible Approval of Minutes of August 15, 2017 Town Council Meeting With Recommended Edits as Noted in Red

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

To approve Town Consent Calendar Items 4.I.i, ii, iii, v, vi, vii, ix, x, xi, xii, xiii, xiv, xv, and xvi.

4.II SANITARY DISTRICT ITEMS

- 4.II.i Consideration and Possible Action to Accept Ad-Hoc Committee's Recommended Group 2 Revisions to the Central Marin Sanitation Agency (CMSA) Joint Powers Authority (JPA) Agreement
(Report from Todd Cusimano, District Manager)

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

To approve Sanitary District Consent Calendar Items 4.II.i.

5. PUBLIC HEARING

- 5.1 Public Hearing For Consideration And Possible Action Regarding the Initial Study/Mitigated Negative Declaration, A General Plan Amendment, Rezoning, Amendment to the Current Use Permit, and Design Review For Additions And Modifications To Marin Montessori School, 5200, 5164 and 5168 Paradise Drive.
(Report from Phil Boyle, Senior Planner)

Recusal:

Vice Mayor Condon recused herself from participating in the item due to the proximity of her residence and left the dais.

Town Manager Cusimano introduced the item, stating additional comments have been received, copies of which have been provided to the Council and to the public. He added that on Friday afternoon, a cyberattack affected the Town's IT system which shut down the Town's servers for a period of time. Therefore, emails may have been sent between Friday morning and Tuesday morning which the Town may not have received. If emails are found to not have been delivered, they will be forwarded to the Council.

Senior Planner Phil Boyle referred to the additional materials received and copies made for the Council and public, as well as the CEQA document. He said the planning consultant will provide the staff report, project summary, entitlements requested by the applicant, summary of the Planning Commission hearings, a discussion of Paradise Drive improvements being considered, brief discussion of the project analysis and available options to the Council. He then introduced planning consultant, Sean Kennings.

Sean Kennings, LAK and Associates, LLC, gave an overview of the two-phased project, stating Phase 1 is the annexation and renovation of a residential parcel at 5164 Paradise Drive. The school would renovate the two buildings which is a single family home and a cottage of approximately 3,100 square feet, making interior and exterior modifications and expand the drop-off/pickup cul-de-sac on the east side of the existing campus which will provide congestion and traffic flow control for the project.

At Phase 2, there would be a new elementary classroom building replacing two dome structures with a 2,300 square foot classroom consistent with the campus architecture. The project also includes a BCDC path improvement, extension of the path, providing spaces for viewing areas, signage, and this will be pursued with a separate permit with BCDC and is contingent on approval of this project by the Town.

The project also includes traffic control and parking measures for on and off-site parking. Currently, there are 37 spaces on the property which is consistent with the code. The applicant proposed 3 additional spaces on the residential property and the Planning Commission requested inclusion of an additional space, to total 41 parking spaces.

Mr. Kennings stated this project does not include an increase in staff or students and per the 2014 CUP process, including traffic studies and updates, the cap was upheld at 232 students. Currently, the school has 225 students.

He presented and described the campus site plan and said part of the project will include removal of a floating dock, removal of domes, creating new upper elementary classroom and converting the single family residence to Public/Semi-Public Facilities District for school use, expansion of the cul-de-sac, and BCDC path extension, and repurpose of one of the rooms on the west campus for a multi-use room..

The applicant is requesting four different entitlements: 1) a General Plan Amendment; 2) a Rezoning from R1-A to Semi-Public Facilities; 3) design review for new construction; 4) Amendment of the CUP to allow the residential property be part of the main campus; and 5) approval of CEQA analysis of an Initial Study Mitigated Negative Declaration (ISMND).

Mr. Kennings stated the Town received some comment letters on the Initial Study initially and did not prepare responses for the first Planning Commission hearing due to not receiving the correspondence in time, but did include them and a response letter for the June 13th Planning Commission meeting which is included in the packet.

He reviewed the Initial Study's review and said there are mitigation measures for aesthetics, air quality, cultural resources, geology and soils, hazardous materials, noise, traffic and transportation. These are folded into a Mitigation Monitoring and Reporting Program which the applicant has reviewed and agreed to as part of the approval process. One of the major environmental discussions of the IS was about noise, given conversion of residential to school use. The applicant provided noise related studies and the Town had the studies peer reviewed. A noteworthy mitigation measure is related to noise and the use of 5164 Paradise Drive for outdoor school activities. Some include administrative controls to not use the building at night, limited duration of outdoor teaching, and physical limitations such as orientation of a deck to the west. Therefore, with mitigation, the project has no significant environmental impacts, and said he was available for questions.

Councilmember Bailey asked Mr. Kennings to summarize the mitigation measures, and Mr. Kennings briefly described them, such as the lighting plan must be specific to the Town's code for nighttime lighting, a specific programmatic control when using 5164 Paradise for teaching activities relating to noise, specifically outdoor activities, and the MMRP is on file and the school must comply with the program.

Mr. Boyle provided a summary of the three Planning Commission hearings which took place and recommended additional conditions of approval. There was a unanimous vote of the Planning Commission to forward a recommendation for approval to the Town Council.

The following new conditions of approval have been added:

- 1) The Public Works Department will work with Marin Montessori and Marin Country Day School (MCDS) to install speed limit notification signs which will be located west of MCDS and east of Marin Montessori;
- 2) The applicant shall plant additional trees to screen the north building at the west end of the project;
- 3) The applicant shall expand the drop-off and pickup area in Phase 1 of the project;
- 4) Addition of one more parking space for a total of 41 spaces on the lot and a total of 40 employees; and
- 5) All conditions of approval for Phase 1 will be completed prior to issuance of a building permit for Phase 2. The applicant has also worked with staff to provide a chronological summary of past, present and future conditions of approval, as many have changed over the years.

Mr. Boyle then turned to the Town Manager and Public Works staff to discuss some of the Paradise Drive improvements that have been completed by the Town and those that may be implemented in the future.

Town Manager Cusimano provided a visual depiction of the Paradise corridor with current budgeted projects, future planned projects and a menu of options to address traffic, sidewalks, pedestrian paths, parking and congestion issues. They focused on installation of speed notification signs which have been proven to reduce speeds; two options for proposed crosswalk signals for pedestrian crossings; one at the Robin Drive intersection and the second at the Upland Circle area and studies of the area will begin tomorrow with BPAC.

Mr. Cusimano advised that the MCDS's project has been continued until next year and this would have removed 50 cars from the street. Staff is working with both schools and there have been discussions for staff to implement no parking zones in front of both schools during school hours. Down farther from MCDS one issue is that if new parking was

implemented during school hours, there would be a significant queue on Paradise Drive, and the current way they are dropping off and picking up is the best operation at the current time. However, the Council may direct staff to post “no parking” signs for that area during certain times of the day given people cross the street and parking is on the south side.

Mr. Cusimano then pointed the Council’s direction to pages 18-20 of the staff report and said staff has received six questions regarding the history of the schools and projects and has attempted to answer those.

Mr. Boyle highlighted analysis done on the project which is identified on pages 18-27 which deal with the General Plan and rezoning, findings, all entitlements, pedestrian and bicycle safety, parking, noise and neighborhood questions. In conclusion, the Council has options to 1) direct staff to provide resolutions and an ordinance for approval of the project; 2) direct staff to work with the applicant to modify the proposed project and/or conditions of approval; and 3) to direct staff to provide resolutions and an ordinance for denial of the project.

Councilmember Ravasio stated there is a limit on the student body and he asked what process is in place to maintain this. Mr. Boyle confirmed there is an existing condition of approval on Attachment 1 on page 11 of the staff report: “Within 60 days after the start of each school year, the school shall submit a report to the Town’s Planning Department stating the total number of students that are enrolled.”

Councilmember Ravasio stated generally there are many historical conditions of approval and he asked how staff would characterize the school’s record in complying with those. Mr. Boyle noted this was discussed by the Planning Commission. He referred to Attachment 3 and said many conditions are “soft” conditions such as “encouraging carpooling”, “encouraging no parking on Paradise Drive”, which are not measureable. The applicant has done many things to improve the flow of traffic during drop-off and pickup. Staff has been to the site during these times, has been working with the school quite diligently over the last two years and believes they are doing a good job but there is also always room for improvement.

Mayor Furst said she noticed that the turn-around on the east side of campus encroaches into the Town right-of-way which occurs all over town, but she asked if there was discussion regarding this and any future Town needs for the roadway or shoulder location in that area on the north and south sides.

Director of Planning and Building Adam Wolff recognized that there have been discussions regarding portions of the northern part of Paradise Drive being integrated into the landscaping or access/ingress areas of Marin Montessori School. While there are no specific plans or needs at this time, staff is beginning discussions regarding potential future modifications and this would be part of the overall vision of what Paradise Drive becomes to further incorporate safety and improved traffic conditions.

Mayor Furst asked and Mr. Boyle pointed to the western property line of 5164 Paradise Drive and the eastern property line of Marin Montessori School, as well as the Town property line the south side of the campus. He noted that Public Works has reviewed the project and if that area is expanded, the applicant would need to secure a revocable encroachment permit from the Town.

Mayor Furst called upon the applicant for a presentation.

Sam Shapiro, Head of School, Marin Montessori School, applicant, stated the proposed project will dramatically improve student’s learning and will improve parking congestion and safety on Paradise Drive. Their goal is to relocate two lower elementary classrooms onto their new property and turn existing classrooms into a multi-purpose space and

replace their aging dome structures. He spoke of the school's 54 year history as a Montessori school, described their campus operations and accreditation as an AMI school, education for peace and for life, spoke of Montessori schools' founder, Marie Montessori, and the school's diverse educational offerings.

Mr. Shapiro then described their various grade levels and their numbers and said their goal is to reclaim a space where lower elementary exists and turn this into a multi-purpose space, relocate two elementary school classrooms onto their 5164 Paradise Drive property, thereby creating a unified elementary school campus, and relocating after school care to the west side of campus. They will build four new parking stalls, expand the bulb to include two cars on the site as well as create 3 visitor parking stalls.

The project is vital for students and educators because it will improve their educational experience. They plan to modernize aging buildings, opening a multi-purpose space for the arts, indoor PE when it rains, afterschool care and uniting a fractured elementary school program which is their mission. The project offers many benefits and will improve the pressure on parking and traffic.

He noted David Parisi prepared their parking study and he said three things will emerge as concerns from neighbors that they have aggressively addressed. Ben Piper from Salter Associates is their sound consultant is present as well.

He spoke of problems with flooding in the domes classrooms and afterschool care that currently exists in teacher's classrooms which is a problem. They will have a private space for their full time learning specialist and a separate space for before and after school care and for drama and music. The biggest impact is that they have a fractured elementary campus and Montessori education is predicated on multi-age learning. Upper elementary is very far from lower elementary now and this brings them together so older students are able to mentor younger students and this allows them to live their mission. The new property will also allow them to raise environmental stewards in a nature-rich environment.

Mr. Shapiro stated the General Plan allows schools in residential neighborhoods and rezoning is necessary because the zoning ordinance has not yet caught up to the General Plan. They have been lauded for their traffic and safety work, always have 7 employees supporting and managing their car line, encourage carpools, have staggered start and dismissal times, coordinate with MCDS regularly to plan events so they are staggered, have relocated a portion of pickup to a better expedited area and have added busing to reduce car trips to and from the school. They have taken other proactive measures, and he said they no longer allow employees to park on Paradise Drive and lease a space off-campus to park school vehicles and reinvigorated a program to encourage carpooling and ride sharing.

They also have been experimenting with eliminating parking altogether on Paradise Drive and cone it off and they have found they can live with this, except possibly for some exceptions during special events, and they are already blocking off Paradise Drive for event parking. Mr. Parisi studied their project and said no additional parking was needed but they will still provide at least 4 new spaces and increase the bulb.

Other improvements include appointing a Director of Parking and Traffic as part of their staff, addition of 3 designated visitor parking spaces, expanding the elementary bulb drop-off and pickup circulation to accommodate 2 more cars for queuing. They have been working with MCDS and sharing space, are in beginning collaborations with the Cove School who wants to partner with them on multi-age learning, work actively with CMPA on installation of a speed sign and they are dedicated to improving safety on Paradise Drive.

One concern from neighbors related to noise and he said during the Planning Commission hearings The study conducted revealed that 5164 Paradise Drive will be closed and quiet

more than half the days of the year as compared to a residence which may be active from 8AM to 10PM all year.

Additionally, a letter submitted from the Keohanes who are currently out of state, describe the school as a great neighbor for over 25 years. They also have agreed to very significant mitigations in their use at 5164 Paradise Drive which he repeated as stated by Mr. Kennings, and he hopes the Council will be proud to have Marin Montessori School as part of its community. They have been operating for 46 years in the community and they will be a very quiet operation and briefly described their outstanding school which benefits Corte Madera and many others, given they give over \$1 million in financial aid annually.

Peter Pfau, architect for the project and prior 2004 architect for the west side buildings on campus. His collaborating architect is Michael Heacock who worked on the residence in the past, and he will steward the change of the building to educational use. He then gave a brief PowerPoint presentation, discussed the school's green campus character and displayed the proposed landscape development and existing and phased conditions. He described the removal of decks, proposed interior of the classroom space, exterior materials, and the renovated cottage, Phase 2 replacement structure for the domes, daylighting and green strategies similar to other buildings, natural ventilation and elevations of the space.

He said they also have been working with BCDC for some time to improve the public access, stating they are adding a totem announcing the head of the path with a map. They are working to improve the path, integrating interpretive elements, and creating a new terminus for the path to increase the level of public access. They are adding a "nature play" element for the public to enjoy, as well.

He presented and described the landscape design and tree species and said they are trying to keep as many of the beautiful plantings by the Keohanes as possible and enhance them and work with ADA access requirements and the 4 parking spaces, as well. They want kids to be able to go to the shoreline and observe natural species which he briefly described.

Mr. Pfau stated they worked hard to make sure the changes preserved the neighborhood residential character, and all access for children and drop-off will occur at the existing drop-off area. There is a vehicular access to the property but this will only be used by teachers and for fire access. There will therefore be less cars coming in and out of the driveway which is on a complicated corner in the area, and they have done everything they can to preserve the feeling of the place. Lastly, they are working to make the project as sustainable as possible in all buildings and want to create a healthy environment and hope to achieve a LEED Silver rating.

Michael Heacock provided an overview of their community outreach over the last two years, stating they held two community meetings in 2015, have been in close contact with the Preserve regarding their project, they invited neighbors to a third community meeting at Marin Montessori which included many of the closest neighbors. At that meeting, a list was created of issues to address which they have been working on and trying to do their best to be good neighbors. Lastly, he spoke about their work with neighbors during school events, interaction with police to address traffic incidents, and have held multiple meetings with neighbors. There were also specific meetings with individual neighbors, specifically the Simons, where they included an offering of a no-build easement which was requested but not accepted.

Mayor Furst opened the public comment period.

ABBEY AMBERG, junior at MMS representing many students, said she values mixed age classes among others and believes if they move the lower elementary classrooms, it will be much easier for all elementary students to blend and work together. The upper elementary students will be able to gain responsibility and build leadership skills and thinks the

project is a positive addition for the community.

HILDE SIMON said she lives right next to 5164 Paradise Drive and joins neighbors in opposition to the change in zoning because there are only 8 houses between MMS and the border of Tiburon. There are 6 homes occupied in this area and they all oppose the rezoning. The plan suggests it will not alter the physical appearance of 5164 Paradise Drive but rezoning will make the neighborhood smaller and less significant which is a change in character and the expansion does not seem compassionate or just.

She said MMS has met with her family multiple times to address their concerns, chief among which are nighttime cleaning schedules and attendant noise, property hedge height limits and minor adjustments in fence line. The staff was eager to comply with their requests, but as time passes, the promises are not in writing and may not be enforceable. It is not the noise of the school during school hours but of cleaning staff which does not often leave the campus until 10PM.

Their shared property line is 8 feet from her master bedroom window and the driveway of 5164 Paradise Drive as opposed to the Keohane master bedroom which is a good 60 feet away. She asked that the Council spare her the dismal future and keep the value of her property. If the Town Council votes for rezoning, she pledges to be a good neighbor and in return she sincerely would request that the Council require an enforceable document attesting to cleaning, property lines and hedge agreements and the Town should do its best to address the current parking fiasco and by building a raised sidewalk 5164 Paradise Drive.

DR. JIM SIMON said he and his wife Hilde have lived at 5156 Paradise Drive for 40 years and are directly adjacent to 5164 Paradise Drive. He thanked the Town Council first for their time and dedication it puts into all projects and to consider this issue. He said 30 years ago the youngest of their 3 children attended MMS. They have no problem with the school, but have a problem with changing the character of their community by reducing the zoning of one property unit. He believes the school can accomplish everything they want to do with the space they have. They are happy for their success, but it is a victim of its own success. He said for the record, MMS offered he and his wife concessions, but they unfortunately contingent on them not supporting neighbors of their and his opposition to this change. He would rather have the risk of losing concessions from an entity with a poor track record of keeping promises to the Town than the loss of his free speech, integrity and his right to support his neighbors and community.

Additionally, no matter who is determined to be at fault, this past year there have been two serious auto accidents, notably predicted by their neighbors, former Congressman John Miller and Stephanie Brown. All accidents are directly related to traffic, density at or adjoining MMS. This puts all children, staff and their physical plan at risk. In another matter is the assumption that to purchase property assuming MMS can mold the Town Council of their needs to grow and expand. This has nothing to do with campus improvements they want to make on non-residential property.

Lastly, as a citizen of East Corte Madera, he asked to please leave the zoning alone, leave their little community alone and consider the precedent set by modifying the master plan. Such changes may cause consequences for generations to come. He asked to consider what the Council would want for themselves, their family and neighbors and he thanked the Council for its thoughtful consideration of the matter.

ANDY AMBERG said he and his daughter Abbey and his wife Amy thanked the Council for the opportunity to speak and said they are 17 year residents at 596 Chapman Drive. Both of their daughters have attended MMS and he spoke of the outstanding resources of public and private schools within the community. They have made friends with numerous families of MMS and are fortunate to live in a community that highly values education. They have invested through their support of Measure D and Measure A both of which passed by

more than a 2:1 ratio.

They understand the impact change can have on a community and they strongly believe that continuing to evolve MMS's campus will be beneficial to the school and town. They have seen investments made by the local school district and neighbors at MCDS invest in their facility, and now he asked for the Council's approval to do the same and allow him to make an investment in their Corte Madera campus and thanked the Council for its consideration.

KATIE DONNELLY said her two sons who are now 14 and 11 attend MMS and they chose to live in Corte Madera specifically because of MMS and moved from the East Bay. They now live within walking distance of the school which offers a world class education for the whole child which she briefly described. She said they have benefitted from being part of this school and their eldest son graduated from junior high last year and fostered a love of bees and is carrying this to his high school education and greater world. The MMS project has been approached in a thoughtful way and taking into consideration neighbors and surrounding community input, and she hoped the Council will support its approval.

OLEN FITZPATRICK said she is a lower elementary school teacher at MMS and moved to Corte Madera last year from Santa Barbara. She voiced how important the school is for its children and spoke about an example of plant and flower classification. The students wanted to go on a nature walk but her classroom is now comprised and cannot go. This occurs on a daily basis and she is excited for the ability to be able to take nature walks and collaborate with the older students which leads to more learning. She referred to the late night cleaning of the school, said her children clean her classroom daily, and she agreed to make sure the cleaners are out at any time specified.

BRUCE PRICE said he has one student at the junior high and hopefully one student next year at the upper level. He is also a recent homeowner at 54 Mariner Green and a big part of his decision to purchase was because of MMS. He had initial concerns about noise, number and limit of students, parking and congestion, expansion of staff, and all of his concerns were addressed. He noted the school has become dated and modernization is needed. He said they are an ideal neighbor because they close at 3:30 p.m. and are open less than half of the year, and he encouraged approval of the expansion. He recognized the loss of one house and that housing is needed, but one house will be put towards the use of many students over the years. The proposal is important for maintaining property values and even more so, for maintaining community values.

CARLA CONDON said she lives at 5132 Paradise Drive and finds that MMS has remarkable programs, but strongly objects to the rezoning of 5164 Paradise Drive. To convert a waterfront home and an approved second unit is detrimental to the surrounding neighborhood and it is inconsistent with the Town's General Plan which states that above moderate housing stock is deficient and rezoning will further reduce the housing stock contrary to the General Plan and its stated fair share housing needs. Rezoning will change the residential character of their bayside neighborhood while expanding the presence of a private school that does not primarily serve the Town of Corte Madera. In 2003 it served 10% and based on tonight's report, it serves 12% of Corte Madera children.

Historically, MMS has failed to abide by Town conditions on approval of past applications. The Town permitted a significant expansion in 2003 that met with protest from the neighborhood. Despite conditions to mitigate the negative impacts, the school completely ignored them which include enforcing traffic and pedestrian safety, never completing the landscape plan and not adhering to conditions to turn off interior lights at night.

On July 7, 2016, the school held a neighborhood meeting which she attended and the Head of School and staff were told of these conditions. Now, over one year later, nothing has been done to correct the conditions. However, the interior lights did begin to consistently be turned off about one or two months prior to this meeting.

In 2003, the student cap was 209 and contrary to that condition, the school increased its enrollment to 221 students. Lastly, the rezoning serves no benefit to the existing neighborhood and only a detriment. She disagreed with the determination of the ISMND that issues of traffic, safety and noise, views, property values and preservation of housing can be mitigated.

AUBEN DAMIAN said she has been a parent of a 6th grade student and also of a junior in high school. She echoed comments of Katie Donnelly supporting the expansion, and read a letter into the record from Kay and Jack Keohane former owners of 5164 Paradise Drive and long-time neighbors of the school who voice their support of MMS education and its values, believe MMS is a good neighbor, feels the zoning change will not adversely affect the neighborhood and be a positive influence. They cite neighborhood noise which was much louder than the school and in contrast the school is quiet evenings and weekends and all summer long which is ideal.

TALIA CARTER said they are currently living at the Preserve Apartments while they renovate their house at 104 Lakeside Drive. Their son began his third year and their daughter began her first in the toddler program at MMS and chose the school for its proximity to their home, bayside campus and commitment to the environment which she described. She discussed MMS's educational and environmental values, activities and interaction with the community and said the proposed project will enhance the bay trail by adding educational installations to inspire greater care for the ecology of the bay and allow children to connect with nature. They look out onto the campus daily and she believes the project will enhance family and community bonds and will create the space to continue nurturing children's curiosity, collaboration and engagement with the world around them, and she asked that the Council approve the project.

DAVID MCPHEARSON, spoke about the schools access to MMS via bicycles and walking and it is a huge goal of BPAC to complete the multi-use path from San Clemente to Robin Drive and children and adults will be able to walk and bike and will be grade separated from any motor vehicle traffic. He said critical of the ingress and egress to the parking lots, there was a serious collision involving an SUV dropping off student and a bicyclist in the opposite direction. There are three points of entry into the parking lot, a second entry and a third entry into the cul-de-sac. He thinks the school should utilize their traffic engineers because it is a huge mistake to have three points where vehicles can turn left into the parking lot. He asked to see the entry to the small parking lot eliminated and to work out something with MCDS so MMS can enter from their parking lot and then the small parking lot could exit and have one point of entry into the cul-de-sac. This would greatly improve safety for the community and for students.

FELIX YOUNG said he is a parent and trustee at MMS and clarified that there are really two points of ingress and egress; one into the small parking lot and one that is adjoined ingress where people can turn left or right into either the cul-de-sac or the car line, and there is an exit only at the other end. He thanked members of the Planning Commission who spent a great deal of time over three meetings reviewing the project. They heard a great deal of testimony similar to tonight, considered their application thoroughly, deliberated on a final set of conditions for approval and made a recommendation for approval to the Council.

In addressing lighting in the classrooms at night, they have spent a lot of time going through the conditions of approval and this is not a condition they have found in the former conditions. While unfortunate, they would not be able to tell residents to turn off their lights, but they listened when told that it was an issue two years ago. The school changed out the light switches to sensors so they would not stay on at night.

The letter from parent Anna Shimko made a compelling case that the conversion of one above moderate single family house is trivial to the grand scheme of the supply. Corte Madera is not a town that has problems meeting its above moderate RHNA requirements. It

has issues with meeting the low income categories and he would be fully supportive of further affordable housing. He respects comments about the neighborhood and losing one of the eight homes. However, when a house is on the market, there is no control over who purchases it and it is just as likely that an investor could come in and turn the cottage into an Airbnb rental which would be worse for everyone. He said the school is trying its best to be good neighbors and hopes the Council supports the Commission's recommendations and approve the project.

ANNA SHIMKO said she is the parent of two 11 year old boys whose success is owed as much to MMS as to their parents. She said the zoning amendment is only necessary because the Town's zoning ordinance has not caught up with and is not consistent with the General Plan. Both the General Plan and zoning ordinance state that schools are an appropriate use within residential zoning districts, likely with a CUP. But the only zoning designation that currently allows schools is the Public/Semi-Public Facilities District. This is why the parcel must be rezoned to accommodate the project and this is consistent with the General Plan.

The Town in no way needs to preserve this land's residential zoning to meet its housing needs. The Housing Element adopted last year repeatedly emphasizes that the Town needs multi-family housing and affordable housing. The crucial bottom line is on Page 46 of the Housing Element showing the results of the RHNA and assigned number and income category of units that the Town needs to supply. The Town was assigned 24 above moderate units but there were 165 such units under construction or approved when the Housing Element was adopted, so the remaining needs for such units is zero or (141) units.

The record shows that living next door to MMS did not affect the value of the 5164 Paradise Drive property and may have enhanced its market value, as it sold for the second highest price of homes sold within one year in the Town and with the highest per square foot value of the top 10 priced homes. The key CUP finding is that the project will not be detrimental to the public health, safety or welfare. The school's extremely modest changes are in no way detrimental and represent improvements over the status quo.

There will be no new vehicle trips. Parent cars will be more quickly removed from the road and there will be more on-campus parking for parents and for employees. Instead of the current condition of a residential use being adjacent to classrooms and a vehicle driveway drop-off area, the adjacent residential use would be next to classrooms that have outdoor space pointed away from them. The drop-off area would be further away from the adjacent home. The outdoor play areas would be further removed from the adjacent residence and the after school care would be at the other end of the property. Also, many new mitigation measures would further ensure privacy and quiet to the adjacent residential use.

Contrary to some allegations, MMS assiduously comports with its conditions of approval as shown by the detailed chart provided to the Council. A couple of things have fallen through the cracks but those cracks have been sealed and she noted that staff included an amendment and restatement of all conditions of approval and she urged the Council to use that form in reviewing conditions for one body of conditions to comply with.

TONY ANCIANO, Paloma Drive, said his family has lived in Corte Madera for over 26 years now and all of his three children have gone to MMS. He thinks the school is a valuable member of the community and spoke in support of the school. The domes needed replacement even when his kids were there and replacement of them with the addition of the adjacent property provides some extraordinary staging opportunities in addition to the programmatic opportunities which makes it a very low impact project. He said there are many people in attendance tonight who want to show their support, and asked all those to stand up and he thanked the Council for their consideration.

DAVID KUNHARDT, Hill Path, said from the objectivity of having no kids at this school and all of his having gone through public schools and from being on the opposite side of town,

he supports the Planning Commission's recommendation.

JOHN THOMPSON, Chickasaw Court, said he is a parent of a 12 year old student and a 2 year old who will hopefully go to the lower elementary. He said 30 years ago his father and grandfather spoke to the Council's predecessors about the building and residents could only be so lucky to have neighbors who spoke for and against the school, but not knowing who your neighbors are can be problematic. The neighbors next to MMS are wonderful and he appreciates all of them coming out and attesting to the project and voicing what a wonderful school it is.

Councilmember Bailey referred to parking and asked and confirmed with Mr. Shapiro that the school will have 40 employees and 41 parking spots.

Councilmember Bailey asked if there were any extra parking spaces other than the one extra for people who come and stay briefly at the school.

Peter Pfau, architect, explained the configuration of cars proceeding from the drop-off point and there is parking along the edges of both of these lanes and this is part of the 41 spaces.

Fran Corcoran, MMS, stated there are 40 employees and 41 parking spaces. They are designating 3 spaces to be used for parents. If they are used, parking is available on Robin Drive. They determined the 3 spaces were better used for parents who had to drop-off children late or pick them up early for an appointment and not have to walk from Robin Drive or park on Paradise Drive.

Councilmember Bailey said he received vast numbers of emails generally as not as friendly as the group before the Council primarily because they believe parking and traffic is too heavy of a load in the area. He asked if any more parking could be fit into the space.

Mr. Pfau stated they might be able to fit 2 more spaces into the plan. He also explained that the MMS campus is not like MCDS where parents park and go inside the school. Parents and people are not encouraged to stop and come into the school.

Mr. Shapiro stated unlike other schools where parents volunteer in classes, they do not have that issue. He said Mr. Parisi's study showed no need for additional parking and they will still increase that number by 4 spaces.

David Parisi, Parisi and Associates, stated they conducted parking surveys over a course of a couple of days when all staff were working and they reviewed both lots on site, as well as parking attributable to the school along Paradise Drive and Robin Drive, and they were able to pinpoint who was going to the school, be it parent or staff member. They prepared a report and looked at worst case conditions. They discovered that the current peak parking demand at the school is for 40 cars which occur at about 11:30 a.m. Then, there are typically 35 cars throughout the rest of the day until about 3:30 p.m. when there are about 39 cars.

They also assume that not all 40 employees are there all the time and that there is carpooling that occurs as well. Additionally, staff members may take alternative transportation and some of the parked vehicles they observed were from parents coming in for 30 minute appointments.

Councilmember Bailey asked if it is possible to achieve the mixed age classes and the school's mission without annexing the residential property. Mr. Shapiro stated no.

Councilmember Bailey asked if MMS needs to expand the school in order to be successful. Mr. Shapiro stated yes, in order to fulfill their mission. They were doing a good job with what they have, but their mission to be an Association of Montessori International Certified School should embody multi-age learning in a robust elementary wing of the campus which

they do not have now. They will still do a great job, but they will fully realize their mission with the ability to have a true elementary/junior campus.

Mayor Furst suggested the importance of differentiating between “expansion of the facilities” and “expansion of the student body”. She confirmed that Mr. Shapiro was only referring to expansion of facilities.

Councilmember Bailey said if the school does not achieve expansion of the physical building area, he asked if they would need to reduce their student body in order to fulfill their mission with their current number of students and Mr. Shapiro stated yes and they are doing that now. But, the mission is not so much about the number of students but whether they can realize the vision of an accurate Montessori education which is predicated on multi-age learning. This is where they are fractured now and not realizing the mission of the school.

Councilmember Bailey said if the school does not receive approval for expansion of their building space, he asked if it would require them to reduce their student body, and Mr. Shapiro said yes, theoretically.

Councilmember Bailey asked staff to discuss the comments that the zoning has not caught up to the General Plan and he asked how the 5164 Paradise Drive property and MMS parcel currently zoned.

Mr. Wolff stated the MMS property is in a Public/Semi-Public Facilities zoning district and 5164 Paradise Drive is in an R-1A zoning district. The R-1A zoning district has been in effect since 1994 with the overhaul of the zoning ordinance. In 2009 when the General Plan was adopted there were specific policies adopted that discussed the appropriate allowable range of land uses in both Public and Semi-Public Facilities and Low Density Residential zoning districts.

In reading from the Low Density Residential description, it describes development within these areas which 5164 Paradise Drive is located in which is, and development in this area is “limited to single family homes, accessory residential uses that have low intensity characteristics including second residential units. Additionally, schools, day care centers, places of religious assembly, nursing homes, etc.” Furthermore, in Policy LU-2.7 as described on page 21 of the staff report, it talks generally about “residential districts shall provide for a range of supporting services to meet special community needs such as schools, places of religious assembly, day care operations” and it goes onto state, “In no instance shall a supporting service use be allowed in a residential neighborhood if it would create an unsafe traffic or public safety condition.” It talks about an implementation program associated with that policy which describes amending the entire residential zoning districts throughout town effectively to modify existing restrictions that do not allow schools in the zoning ordinance.

Councilmember Bailey said when he read this it looked like it is available to the Town to rezone something if it is appropriate under the circumstances. However, what he heard from Mr. Shapiro and from Ms. Shimko; the land use attorney parent was that the Town failed to catch up and he asked if Mr. Wolff concurred with this view.

Mr. Wolff said with respect to the fact there is an implementation program that says the Town should go forward and consider other uses in residential districts that may be appropriate. In that respect, he would say yes, this is an implementation program in the General Plan that has not been acted upon. However, what that ultimately would look like if this moved forward and the Town created new rules and discussed what uses are appropriate and where, include setback distances between certain uses such as a school and residential uses, this has not been done. He would say this is where it has not caught up.

Councilmember Ravasio stated, therefore, it would also be fair to say this is consistent with the General Plan, but one could also say it is inconsistent with the General Plan.

Mr. Wolff agreed, and said this is up to the decision-makers to determine whether it is or is not consistent with the General Plan policies based on evidence presented this evening and in prior Commission meetings.

Councilmember Ravasio asked if the lights are being turned off at night or not.

Mr. Shapiro stated they held a meeting with neighbors in July 2016 and this is not a conditional use issue. They had an "ever-on" lobby light which they re-wired to turn off at night as well as the motion sensing lights. The concern also was the janitorial staff leaving lights on in the classrooms and this is resolved.

Councilmember Ravasio asked if the cleaning service is operating up until 10PM at night. Mr. Shapiro said it depends on their schedule and usually they are finished by 9PM, but they would be happy to condition prioritizing the cleaning service for 5164 Paradise Drive to be done first and finish early.

Councilmember Bailey asked if Mr. Shapiro considered re-swapping the school's phases, or doing the dome structure and path improvement or the pickup/drop-off cul-de-sac first and then doing the annexation and renovation as Phase 2.

Mr. Shapiro said based upon the Planning Commission hearings they are going to do the bulb expansion in Phase 1, but this is what is most critical as far as their programmatic needs and it is important for them to do first.

Mayor Furst referred to the Town property line and the fact that the turn-around is encroaching on Town property. Town staff is reviewing this and considering whether there is any future potential for the Town to need this, as by right, the Town can take the land back. If this project is approved, she believes it would be in everybody's best interest to ensure that should the Town need all or part of that, the school could still maintain a turn-around there.

She asked staff to display the proposed building layout and asked if the school could shift the new upper elementary classroom northward to allow for the turn-around to shift northward or in some way adjust its shape to ensure maintenance of a turn-around if the Town needs its land back.

Mr. Shapiro stated they had originally scheduled the bulb expansion for Phase 2. The Planning Commission asked them to put it into Phase 1 and he asked that Mr. Pfau address this.

Mr. Pfau pointed out that the existing bulb does already encroach over the property line and does have an encroachment permit from the Town. In order to increase capacity, they need to expand it 2 or 3 feet past the property line and they have met with Town staff who has indicated this makes sense and is okay. While this may have changed, he also pointed out that beginning from that point on and up Paradise Drive, there are no sidewalks so there is no intention to continue sidewalks up around the curve. He also pointed out that the walkway is across the street from that so it is a terminus point for the walkway/pathway so he does not know why the Town would need to continue beyond that. He recognized this is something the Town is looking at and he is open to hearing staff's thoughts on this.

He also pointed out that the position of the new classroom building is trying to find the balance between giving their limited site area to cars or giving it to children, and they tried to find the right balance where they can create a useful play area away from the Simon's property, to move it closer to the water would 'eat up' some of the valuable play area.

Mayor Furst called upon Mr. Shapiro to address any issues brought up during public comment.

Mr. Shapiro stated they could consider a condition of approval that before they engage in Phase 2 to re-examine the footprint of the bulb. In terms of Councilmember Bailey's comments, if they did not receive approval their program would stay the same. Whether they would need to decrease their enrollment to realize their mission, in theory they would, but they are where they are and would stay.

Additionally, one neighbor has asked for pedestrian access on the south side of Paradise Drive and they used to park all of their school vehicles on Paradise Drive and he spent a few weeks and found a vendor who lets them lease their parking lot in the Village. This has helped their parking situation and this is probably why Parisi's report was favorable.

He thanked the Council for their time and for allowing them to discuss their project. He noted it has been 2 years getting to this point and he said they are grateful for the Council's time and attention tonight.

Councilmember Bailey said the Town is proud to have MMS in the community, know of the good work and good stewards the school is in its provisions for education and agreed property values remain solid. He has no problem with the improvements to the campus generally.

He said he has two issues; the first is that he has been the recipient of overwhelming fear about the continuing traffic and safety issues immediately in front of MMS prompted by people coming in and out of the parking lot in normal school days from bicyclists, runners, drivers, parents, and this is borne out by the occasional traffic accident which may or may not be related to the school, but there is a loading of traffic in that area which the Town has identified over and over years. He said the Council cannot ignore the fact that there is a traffic and safety issue in this area. He did not have a solution, but what is before the Council now could load it more. If the load can be decreased even a bit, he thinks the Council should do everything in its power to do so.

His second issue is that he is torn about the issue of rezoning. He is cautious about paving the way towards increasing the school population. He recognizes what is being presented is that there are only a set number of students without plans to increase it, but it is hard to imagine how a school will not naturally want to expand over time especially when its capital plan has been improved. He is cautious about whether to continue to grow the size of the school given continuing traffic and safety issues.

Part of what he likes about the project is that it appears to improve traffic and safety, but he was not sure if Public Works would agree or not. He would like to see no parking at all during school hours on Paradise Drive, limiting right or left hand turns, to add more parking spaces for every employee plus a handful of spaces for people who will be visiting the school. However, he was not knowledgeable enough on whether having 40 spaces for 40 employees is reasonable or not and whether the school can expect that some employees would not be present or not or using their vehicles. However, from a common sense perspective, he would like to see a lot more parking such as 45-50 or more spaces which might be impossible.

Overall, he was supportive of the redevelopment, asked that traffic and safety be improved, but to reduce the amount of the load by increasing parking, and he was disinclined to allow the rezoning until the Town has some observation of whether there has been a reduced load on the site and safety conditions have improved. He recalls that the Town is not supposed to take into account previous violations even though there is a history here of MMS not complying with certain conditions or agreements, but it would make sense to wait a bit and see whether lighting, noise, traffic and safety plays out before considering the

rezoning.

Councilmember Ravasio asked Councilmember Bailey to further clarify.

Councilmember Bailey said the most important item for the school is to receive approval of rezoning because they want to expand the ability for multi-age classrooms, but the other improvements such as redoing the domes and making them seismically retrofitted, reconfiguring the campus and parking makes perfect sense. But the first thing is the rezoning and this is giving them the benefit of accomplishing the traffic and safety improvements that he would like to see done first. He would like to see proof of traffic and safety improvements before the Town grants permission to expand the physical plan and rezone it, but he would like to hear Councilmember comments.

Mayor Furst said in Phase 1 is expansion of the bulb to increase the number of cars in queuing. She confirmed Councilmember Bailey would want to see this and the other solutions implemented first and studied as a condition for the rest of Phase 1.

Councilmember Bailey said he was not sure this would be feasible or not, but this was his concept.

Town Attorney Stricker said she thinks the Council would then be in a position to deny the application and having the applicant bring the project forward differently. She suggested providing the applicant with specific direction but the Council cannot carve out the applicant's project and decide how they will move forward.

Mayor Furst stated it appears that interior lighting, and not exterior lighting, has been addressed. She heard from a couple of speakers that there has not historically been a problem with noise at this school; that children are not playing immediately next to residential areas or the school does not have noisy activities on the residential side. In fact, this will be addressed even further with the movement of classrooms to the new parcel.

Councilmember Ravasio disclosed that he visited the site a couple of times; once with planning staff in the morning and he also has ridden his bike through the area in the morning and afternoon. He has also been the recipient of many emails and clearly there has been and is a traffic issue.

He observed that the school is doing a very good job of pickup and drop-off. People were being moved through, everybody was very respectful, he did not see pedestrians running across the street which there had been reports of, and in reading the traffic studies and the fact the school proposes adding a couple of parking spaces, theoretically, there will be a small decline in traffic and not add to the existing situation. He does think that much of the problem comes from MCDS which should have been solved by now and should be done by next year, so he does not have as big a problem on the traffic side.

Regarding future improvements, Councilmember Ravasio said it looks as though the Town will be recommending adding a pedestrian crossing at one of the two locations for necessity. He asked if MMS should participate paying or financing for this because it is being done to benefit students of that school. This would alleviate some of the safety concerns. He rides his bike in the morning and afternoon through the area and he thinks it is a bit nutty.

Councilmember Bailey said he appreciates Mr. McPhearson's comments about how to fold in the path improvements in the project or at least be aware that it will need to be done in the future, and incorporate that into conditions.

Ms. Stricker stated staff would need to determine whether there is sufficient evidence and conduct an analysis in order to determine whether that type of cost allocation could be appropriately positioned as a condition if this is the Council's desire.

Councilmember Bailey asked whether Councilmember Ravasio was not also struck by the unanimous opposition by the neighbors, stating he was very unhappy with the discord between the school and residents, and he was not sure what the Town could do to solve it, but he has observed this disconnect. He realizes the school has had outreach efforts, but the consequence has been unanimous opposition by immediate neighbors. He would like to have seen a concerted effort if not a compromise whereby there is not unanimous opposition. He has great respect for those speaking in support of the school because they have children who are or were at the school. It would be important to hear from people who do not have children there but who are neighbors or business constituents who can speak about the fact there has been some improvements in traffic.

Councilmember Ravasio said he completely shares these feelings, and unfortunately the Council is often in this position. Obviously, the school has done an incredible job in providing education and being a good citizen, but there is an issue on Paradise Drive with traffic and parking. Part of the reason for this is because there are three schools there, and one just recently reopened in a much bigger and more vibrant way it had in the past. He does not want to minimize concerns of neighbors about this project, but part of what is happening is this has been building for a while and he gets the sense that neighbors feel this is the last straw or that there is more expansion coming which will only make the existing situation worse.

He said he is looking at it and personally is having a hard time seeing if it will make the situation worse. He struggles with the conflict in the General Plan with taking housing stock out and replacing it with schools. Clearly, the school has done a remarkable job, are turning out wonderful students, schools are the bedrock of the community, and this has been a wonderful citizen but he is feeling this is symptomatic of a larger problem which is the entire corridor being a problem for neighbors over the past several years.

Councilmember Bailey said he thinks the Council is obliged not to approve the request unless they can agree they are improving the area. A few parking spaces does not seem to get this done for him. He said there may be conditions that achieve this, such as the bulb, reduction of parking or ingress and egress conditions, but he thinks the Council must be persuaded that the situation is being improved.

Mayor Furst said the school is proposing to expand the bulb and she is concerned that if the Town decides it needs Town property back, it will take part of that bulb and result in cars not being able to turn around there.

Councilmember Bailey said his main concern is reduction of cars on the street.

Mayor Furst reiterated something she said when MCDS came to the Council for their project. While the Town values the local public and private schools, if somebody came to the Council today to propose a brand new school on this site, she thinks the Council would say it is not the best location for a school, but the school has been there for many years and the Town accommodates and tries to do the best it can in terms of the situation here. It is a very constrained area, it is an artery that serves the local community, Tiburon and all parents going to and from MCDS, MMS and the Cove School.

The area is part of the Bay Trail so there are bicyclists and other users throughout that corridor and it is a concern that the Council feels should be addressed to the greatest extent possible. She is hearing from Councilmember Bailey that this is the best that can be addressed which she agrees. The diagram of improvements the Town is looking at in this corridor, given funding, will improve a large portion of Paradise Drive. She was not sure how much of it would benefit the far eastern section of Town. She thinks there needs to be a crosswalk and would not want to see it on the east side near the bulb but closer to MMS Administration Building or it might be able to be near the BCDC trail.

She visited the school twice. The first time she parked on Robin Drive and observed the morning traffic for about 25 minutes and almost all cars arriving were able to pull and go through the queuing area. She only saw one car start to pull in with its tail end stick out on Paradise Drive and luckily the car moved forward fairly quickly. There was a traffic monitor at the driveway directing any cars that could not pull into the queuing area over to Robin Drive to keep things flowing on Paradise Drive. Most cars were doing illegal U-turns and carefully determining how to get into the queuing area and almost all made their way over.

She said one parent parked on Paradise Drive, walked on the south side of Paradise Drive and crossed down at the Administration Building which made her a bit nervous but sight lines were much better there, so this would be the location for a crosswalk. Generally though she was impressed with the way things were handled.

She suggested determining whether there was the ability for a bit more parking and to determine the Town's need for width along Paradise Drive, especially by the bulb out. She said it is conceivable that the Town may need something on the south side in order to complete the pathway. If this is the case, the centerline of Paradise Drive will need to be shifted and right-of-way used for a shoulder, and before anything is approved, she asked that the Town to get a better handle on this.

She said she also visited and walked around the campus and agrees the dome buildings and facilities need to be replaced. If the Town was not going to allow rezoning at the residential parcel, she asked where all of the classrooms would fit without taking a lot of the play space. They would wind up developing two story buildings probably in a location where they should not be put because of views, openness and low density character of the area.

Regarding rezoning, she said it is not an easy decision to rezone the residential property but she can see there is a need for it, can recognize there are times that even though the Town values all of its housing stock, sometimes things need to change in advance and uses change, and she could find this is justified.

Councilmember Bailey asked if Mayor Furst could make that finding first or get answers first on the right-of-way issue and potential sidewalk location.

Mayor Furst said in concept, she can justify the use of the property and a change of it from R-1A to Public/Semi-Public Facilities for school use; however, she would want to see the whole project together.

In getting back to parking and traffic, Mayor Furst asked what Councilmembers would like to see for both.

Councilmember Bailey asked how impactful is it to not have cars on the street at all during the day.

Town Manager Cusimano stated there have been a lot of emails and discussion over the last year about MMS and MCDS. The actions they have taken over the last year have improved traffic safety. There are traffic monitors, better flow, education to parents, and there are tangible improvements. It has not improved to the point of where they want to be, but is a work in progress.

In looking at this project and having gone out to the site, Mr. Cusimano said it is the traffic monitor directing cars in and out which is significant. He asked the Council to keep in mind that the Town allows parking on Paradise Drive, but the school recognizes they can do better and he has noticed they have taken steps not to park on Paradise Drive. They park a handful of cars on Robin Drive, which is allowed by the Town. They also lease space at the Village to carpool. Therefore, when talking about 41 employees and Mr. Parisi noted the total is actually in the mid-30's this is why. The school staff is making efforts, and actions

speak louder than words. It falls down to where the line is drawn to feel comfortable moving forward. The project does not make it worse but making it improved.

Regarding the bulb out at the intersection of Robin Drive, in staff's discussions he did not know it would be in the Town's future from a safety standpoint that to take that over unless they developed a crosswalk fully on the north side all the way down. In looking at the grass green median, this is all Town property and there is the potential where there is an opportunity to widen the roadway there and have a left hand turn lane which would substantially improve things, and this is something the Council may see moving forward.

He said in speaking strictly about traffic safety and whether they are heading in the right direction, both schools have made huge efforts. When looking at this area compared to other schools in town, it is chaotic during start and end times.

Councilmember Bailey said for the sake of discussion, in agreeing there have been dramatic improvements over the last 6 months, he asked how to imbed in the institutional memory that these improvements are not a short-term fix; that they are something that will continue to progress. And even if they do not progress, will improvements will remain in place for the foreseeable future because he thinks the Council has that obligation. He likes everything about MMS and the fact that there have been observed improvements. He would like to ensure they be kept in place. And, despite improvements, the immediate neighbors remain opposed which means they have not made those same observations or found them to a degree that has alleviated the problem.

Mr. Cusimano said when looking at conditions of approval, they need to be clearly defined, merged, and if not followed there needs to be consequences and expectations for consistency. He agrees that if they go back to square one, it is unacceptable.

Ms. Stricker stated many of the improvements made are listed in conditions of approval that the Planning Commission is recommending for this project. She suggested being very clear about what conditions there are in terms of requiring that the school contract with an off-site business park to have a certain number of vehicles parked on an off-site location, making sure there is a staff member who is the parking facilitator or director. On page 10 of the findings of the Planning Commission, there are conditions of approval being recommended, and in looking at that as a starting place and thinking about other conditions, the Council would need to be sure there is ample evidence to support imposing certain conditions. She also recommended being clear about penalties associated with failure to comply.

Mr. Boyle added that the key to writing good conditions is that they have a timeline; that they are enforceable and they are measureable. The condition that states, "The school shall encourage carpooling" is not strong. A better condition would be for a time limit, measurable and enforceable, with tracking.

Mayor Furst voiced support for the Town Manager's idea for a left turn lane, would like to see a mockup illustration of how that might fit here and she thinks this would alleviate concerns of traffic safety issues. She recommended the Town Engineer ensure the illustration indicates what width might be needed for the pathway on the south side and in looking at the 3.00 illustration in the packet, if the left turn lane is added where the planted area is, all cars westbound will need to be shifted a bit to the right to make room for the eastbound left turn. By doing this, some added space may need to be added by the turnaround to smooth the alignment of Paradise Drive.

She suggested addressing interior lights and timers or sensors into the conditions and strengthen carpooling. Mr. Wolff voiced concern with requiring a condition for carpooling other than indicating an incentive.

Mayor Furst said between carpooling, a potential left turn, a crosswalk, speed signs, and

whatever else that can be done to calm and slow traffic through the 'S' turn from the Tiburon side coupled with the improvements that have been seen already, these would make her feel comfortable in terms of addressing traffic.

Councilmembers Bailey and Ravasio both concurred with Mayor Furst's requests. Councilmember Ravasio noted that BPAC will be evaluating this at their meeting tomorrow evening at 6:00PM.

Regarding parking, Mayor Furst clarified available parking. Councilmember Ravasio commented that Mr. Pfau indicated earlier that they could look at possibly adding two more parking spaces.

Mr. Boyle referred to Sheet A-1.02 which he noted is the parking plan. The 4 new spaces are numbered 38 through 41 and spaces 7-9 cannot be used during drop-off or pickup.

Mayor Furst questioned where the 2 added spaces might be located. Mr. Pfau pointed to the area where they believe they can add 2 more spaces and more if they can.

Councilmember Bailey recognized staff and the applicant's time and work.

Mayor Furst commented on the number of people who participated and came to the meetings.

Councilmember Ravasio stated one of the reasons he can support rezoning the property is that he appreciates that the applicant is taking the existing building, repurposing it which is considerate from environmental, neighborhood harmony and design standpoint.

Mayor Furst concluded the matter and confirmed that staff had direction.

BREAK

Mayor Furst called for a break at 9:38 p.m. and thereafter reconvened the meeting at 9:41 p.m.

Noted Present:

Vice Mayor Condon returned to the meeting and was noted present.

6. BUSINESS ITEMS

- 6.I Consideration and Possible Action to Adopt An Interim Urgency Ordinance to Temporarily Prohibit Medical and Nonmedical Cannabis-Related Businesses From Locating and Operating in the Town of Corte Madera Pending the Analysis and Consideration of New Zoning Amendments and Other Regulations Appropriate for this New Industry.
(Report from Adam Wolff, Director of Planning and Building)

Mr. Wolff gave the staff report, stating that based upon discussion at the August 15, 2017 Council meeting, staff is following direction from the Council and presenting an urgency ordinance that would prohibit medical and non-medical cannabis related businesses from locating and operating in the Town for 45 days. This will allow enough time to start the process for crafting more permanent regulations.

A 4/5 vote is required to adopt the ordinance, and he noted that while there is discussion about whether or not to include the cultivation for personal use, in the moratorium and urgency ordinance, staff has not included it at this time and seeks direction as to reasons why it should not be or be included. Staff expects to return to the Council on October 17, 2017 in order to extend the urgency ordinance up to 10.5 additional months or until September 2018, as staff would need to return to the Planning Commission and begin to craft appropriate regulations, rules and policies.

Mayor Furst noted there were some on-line comments since the last meeting questioning why the Council is doing this, and she stated state law has changed and the Town is in need of more time in order to develop the policies the Town wants to implement related to businesses specifically.

Councilmember Ravasio stated the new state law takes effect January 1, 2018 and he asked why the Town would not wait until then.

Town Attorney Stricker stated the state anticipates issuing licenses starting January 1st. Any local jurisdiction can ban or impose regulations on businesses. The state has been clear that it is not pre-empting the ability of local jurisdictions to decide. If there is no ban or no regulation imposed, then the state will issue licenses to allow cannabis businesses to operate in a local jurisdiction that does not have any restriction. Staff anticipates those licenses will begin the 1st or 2nd of January.

Therefore, in order to adopt a regulation, the Town needs to go through a Planning Commission process and the Commission would need to make a recommendation. Two Council meetings would need to be held at a minimum and those regulations would not take effect for 30 days. If the Town does not adopt a moratorium, the Town would have to begin the Planning Commission process very quickly in order to get to the January 1st deadline.

Councilmember Ravasio agreed with comments, but asked why the Town would not enact a moratorium on December 1st and if they needed more time, they would have enough.

Ms. Stricker said if the Town is not going to pass the moratorium, staff needs to know to get to the Planning Commission as soon as possible. If the Council waits until December, it will have no way to get through the hearings and have a 30 day adoption by January 1st and the "ship will have sailed" and 4 votes are needed, as well.

Vice Mayor Condon noted that at the League Conference, there were jurisdictions that had voiced urgency in adopting regulations, given the lengthy process.

Mr. Wolff added that from his perspective, if there were any issues or edits with the ordinance, the item could also be postponed for a couple of weeks and there would still be time.

Ms. Stricker stated the Government Code provision that allows the moratorium route is very specific in its procedure and the first step is that the moratorium can only last for 45 days. Staff needs to return and bring forward a report to the Council. If the Council wishes to extend the moratorium for up to another 10.5 months, this will give the Town a full year, the Council must adopt the report which talks about staff efforts since the moratorium passed to eliminate the imminent health and safety risk which will need to be found in order to adopt the ordinance. She said 45 days is not enough time to get through a Planning Commission process. Staff needs to report efforts made, the process, and the process going forward which will need to happen 10 days before the 45 day expiration. Given the holidays and staff schedule and meetings, the Council may run into the need to return two weeks later in order to extend it. Therefore, the Council needs to address this earlier rather than later.

Mayor Furst opened the public comment period.

PHYLLIS METCALFE, Parkview Circle, said she did not hear any comments made about delivery or mailing to Corte Madera and asked whether this will be part of the moratorium.

Ms. Stricker stated at the last Council meeting, the issue was discussed, for purposes of the moratorium, to ban or not ban deliveries. Lengthy discussion occurred and the direction staff was given was to draft a moratorium that did not temporarily ban deliveries. This is a

decision that if the Council decides not to have a moratorium on deliveries, such as deliveries from brick and mortar businesses outside the jurisdiction who would be able to deliver cannabis products to a retail customer within Corte Madera.

If the Council decides not to include this and not to ban it and later on it is becoming a problem the Council can make amendments that at that time. The Town will not be in a position of having any non-conforming use because there is not a physical business. That said, if the Council would like to include the moratorium to apply to delivery services now in the ordinance, she could suggest a few minor tweaks that could be made.

Councilmember Ravasio explained to Councilmember Bailey that the Council had previously discussed delivery and did not believe it was enforceable and decided not to pursue that.

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

To adopt an Interim Urgency Ordinance to Temporarily Prohibit Medical and Nonmedical Cannabis-Related Businesses from Locating and Operating in the Town of Corte Madera Pending the Analysis and Consideration of New Zoning Amendments and Other Regulations Appropriate for this New Industry.

7. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

Town Manager Cusimano had no report.

Councilmember Bailey asked for Town Manager clarification, stating that he spoke with former Mayor Phil Gioia who told him that the local EMTs at the Fire Department offer free transport services to and from medical appointments. Residents can contact the fire department when they are ready to go and if EMT personnel are not otherwise engaged, they will provide transportation.

Mr. Cusimano confirmed this is available, and he will be meeting with the Fire Chief to determine whether the Town should be publicizing it as it may overwhelm the Town's resources, and he will report back to Council.

Councilmember Ravasio gave the following report:

- He attended the Twin Cities Disaster Preparedness Council and instituted John and Lee Howard as the leads for neighborhood response groups. They have 6 additional neighborhood response groups underway which is amazing and he recognized them for their hard work.

Vice Mayor Condon gave the following report:

- She attended the League of California Cities conference and will report on items at a future meeting.
- She thanked Mayor Furst for attending the Age-Friendly Gala where those aged 90+ were recognized. A total of 31 people were awarded certificates which were presented by the Mayor and Assemblymember Marc Levine. Approximately 100 people attended the event and she also recognized Town staff for their assistance and another celebration will be scheduled for next year.

Mayor Furst gave the following report:

- She reported that TAM has begun a lift line promotion of discounts through Lyft for first and last miles of those taking the SMART train which has begun operations. Mr.

Wolff noted that Phil Boyle is commuting daily from Petaluma on the SMART train and biking the remainder of the commute.

- She attended a Safe Routes to School Task Force Meeting.

8. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING

8.I Review of Draft Agenda for October 3, 2017 Town Council Meeting

Mr. Cusimano reported that the appeal may be withdrawn regarding the Crescent project due to the good work of staff, the appellant and applicant. The Retreat will be held in October and he will work with Councilmembers as to their availability. The Design Review Guidelines has gone before the Planning Commission and direction has been given.

Mayor Furst referred to Consent Calendar Item 2; Town Council Rules and Procedures, and confirmed with Mr. Cusimano that it will be moved from the Consent Calendar to Business Items.

Councilmember Bailey asked to be abstained from Consent Calendar Town Item 4.I.xvi which is approval of minutes.

Ms. Stricker said Councilmember Bailey can request reconsideration of the motion to approve the Consent Calendar items, then re-vote on the Consent Calendar and indicate his abstention.

Mayor Furst asked if there is a requirement if Councilmembers reviewed the minutes and/or watched the video. Ms. Stricker said if a Councilmember watched the video, there would be no need to abstain. Otherwise, if not, she suggested Councilmember Bailey abstain.

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

To reconsider the Town Consent Calendar

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

To approve Items 4.I.i, ii, iii, v, vi, vii, ix, x, xi, xii, xiii, xiv and xv.

MOTION: Moved by Ravasio, seconded by Condon, and approved unanimously by the following vote: 3-0-1-1 (Ayes: Condon, Ravasio and Furst; Noes: None; Absent: Andrews; Abstain: Bailey).

To approve Item 4.I.xvi

9. CLOSED SESSION

The Town Council adjourned to Closed Session at 10:45 p.m. to discuss the following item:

9.I CONFERENCE WITH LEGAL COUNSEL

To consider resolution of workers' compensation claim pursuant to Government Code Sections 54956.95 and 54956.9 (d)(1)
(1 case regarding potential settlement of Workers' Compensation claim)

10. RECONVENE IN OPEN SESSION

10.I Report out of Closed Session

Mayor Furst reconvened the regular meeting at 11:07 p.m. and announced that there was no reportable action from Closed Session.

11. ADJOURNMENT

The meeting was adjourned at 11:08 p.m. to the next regular Town Council meeting on October 3, 2017 at Town Hall Council Chambers.