



AGENDA

CORTE MADERA TOWN COUNCIL
AND SANITARY DISTRICT NO. 2 BOARD
TOWN HALL COUNCIL CHAMBERS
300 TAMALPAIS DRIVE
TUESDAY, MAY 3, 2016
7:30 P.M.

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

- 1.I. Report out of Closed Session from April 19, 2016 Town Council Meeting
Report regarding the following item:
PUBLIC EMPLOYEE APPOINTMENT [Govt. Code Sec. 54957]
Title: Town Manager

2. PRESENTATION

- 2.I Resolution 13/2016 in Support of Public Service Recognition Week, May 1-7, 2016

Documents: [2.I PUBLIC SVC EMPLOYEES RECOGNITION.PDF](#)

3. OPEN TIME FOR PUBLIC DISCUSSION

Please confine your comments during this portion of the agenda to matters not already on this agenda. Speakers will be limited to three (3) minutes unless otherwise specified by the Mayor or the Presiding Officer.

The public will be given an opportunity to speak on each agenda item at the time it is called. The Council may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Council, no further comment from the public will be permitted unless authorized by the Mayor or the council and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Council or as otherwise limited by order of the Mayor or Council.

4. TOWN MANAGER AND COUNCIL REPORTS

- Acting Town Manager Report
 - Update on schedule for Town Council review of Corte Madera Inn Rebuild Project
- Director of Planning & Building Report on Status of Tamal Vista East Corridor Study
- Council Reports

5. CONSENT CALENDAR

The purpose of the Consent Calendar is to group items together which are routine or have been discussed previously and do not require further discussion. They will be approved by a single motion. Any member of the Town Council, Town Staff, or the Public may request removal of an item for discussion. Rescheduling of the item(s) will be at the discretion of the Mayor and Town Council.

- 5.I. Waive Further Reading And Authorize Introduction And/Or Adoption Of Ordinances And Resolutions By Title Only

This item contains standard language authorizing Town Council to introduce and/or adopt Resolutions and Ordinances by Title only and waive further reading.

- 5.II. Approval Of Transfer Of Appropriated Funds From Green Room Remodel Project (\$40,000) To Skate Park Fencing Project (\$15,000) And Town Park Field Irrigation Valve Relocation Project (\$25,000).
(Report from Mario Fiorentini, Director of Recreation and Leisure Services)

Documents: [5.II GREEN ROOM REMODEL PROJECT.PDF](#)

- 5.III. Adoption Of Proposed Resolution No. 10/2016 Adopting The ICMA Retirement Corporation VantageCare Retirement Health Savings (RHS) Plan Number 803626 Corte Madera Department Heads And Town Manager Employees
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

Documents: [5.III ICMA RHS CORTE MADERA DEPT HEADS AND TOWN MANAGER.PDF](#)

- 5.IV. Adoption Of Proposed Resolution No. 11/2016 Adopting The ICMA Retirement Corporation VantageCare Retirement Health Savings (RHS) Plan Number 803627 Fire Mid-Management Employees
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

Documents: [5.IV ICMA RHS FIRE MID MGMT.PDF](#)

- 5.V. Adoption Of Proposed Resolution No. 12/2016 Adopting The ICMA Retirement Corporation VantageCare Retirement Health Savings (RHS) Plan Number 803628 Mid-Management Employees
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

Documents: [5.V ICMA RHS MID MANAGEMENT.PDF](#)

- 5.VI. Approval Of Amendments To Adopted Town Budget For FY 2015-2016
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

Documents: [5.VI AMENDMENTS TO ADOPTED TOWN BUDGET FY15.16.PDF](#)

- 5.VII. Receive And File Investment Transactions Monthly Report For March 2016
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

Documents: [5.VII MARCH 2016 INVESTMENT TRANSACTIONS REPORT.PDF](#)

- 5.VIII. Approve Warrants And Payroll For The Period 4/14/16 Through 4/27/16:
Warrant Check Numbers 213436 through 213549, Payroll Check Numbers 5186 through 5199, Payroll Direct Deposit Numbers 29315 through 29440, Payroll Wire Transfer Numbers 1998 through 2005 and Wire Transfer of 4/26/16.

Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer

Documents: [5.VIII PAYROLL AND DEMANDS 4.14.16 TO 4.27.16.PDF](#)

6. PUBLIC HEARINGS:

- 6.I. Appeal Of The Planning Commission's Approval Of Resolution 16-009 That Approved With Modifications Design Review Permit No. 15-019, Which Allowed An Approximately 465 Sq. Ft. Addition To The Existing Residence At 359 Chapman Drive. The Modifications Approved By The Commission Included Reducing The Roof Height Of The Addition, Reducing The Size Of The Addition, Installing Landscape Screening And At The Applicant's Discretion Modifying The Windows On The North Elevation Of The Addition, PL-2016-0023-APTC.

(Report from Phil Boyle, Senior Planner)

Documents: [6.I 359 CHAPMAN 05.03.16 TC STAFF REPORT AND ATTACHMENTS 1-11.PDF](#)

- 6.II. Public Hearing Nuisance, 614 Oakdale Avenue – Determination Whether The Property Conditions Constitute A Public Nuisance As Designated In Chapter 9.04 Of The Corte Madera Municipal Code And Direction To Staff For Further Action

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

Documents: [6.II 614 OAKDALE 05.03.16 TC STAFF REPORT AND ATTACHMENTS.PDF](#)

7. BUSINESS ITEMS

- 7.I. Discussion And Possible Direction To Staff Regarding The Application Process, Permitting Fees, Insurance And Liability Related To The Placement Of Pedestrian Flags At Uncontrolled Intersections On Tamalpais Drive

(Verbal report and request for discussion and possible action or direction to staff will be given by Mayor Bailey)

Documents: [7.I DISCUSSION AND POSSIBLE ACTION OR DIRECTION RE PEDESTRIAN FLAGS.PDF](#)

- 7.II. Consideration And Possible Action To Approve The 2015 Town Of Corte Madera Bicycle And Pedestrian Plan

(Report from Nisha Patel, Senior Civil Engineer)

Documents: [7.II BICYCLE AND PEDESTRIAN PLAN 2016.PDF](#)

- 7.III. Review Of Draft May 17, 2016 Town Council Agenda

Documents: [7.III 5.17.16 DRAFT AGENDA.PDF](#)

- 7.IV. Approval Of Minutes Of The April 19, 2016 Special Joint Meeting Of The Town Council And The Planning Commission

Documents: [7.IV 041916 DRAFT JOINT CORTE MADERA COUNCIL AND PC MINUTES.PDF](#)

7.V. Approval Of Minutes Of The April 19, 2016 Regular Town Council Meeting

Documents: [7.V 041916 DRAFT CORTE MADERA COUNCIL REGULAR MEETING MINUTES.PDF](#)

8. CLOSED SESSION

- 8.I. PUBLIC EMPLOYEE APPOINTMENT [Govt. Code Sec. 54957]
Title: Town Manager

9. ADJOURNMENT

TOWN COUNCIL STAFF REPORTS ARE USUALLY AVAILABLE BY 5:00 P.M., FRIDAY PRIOR TO THE COUNCIL MEETING, AND MAY BE OBTAINED AT THE CORTE MADERA TOWN HALL, OR BY CALLING 927-5050. AGENDA ITEMS ARE AVAILABLE FOR REVIEW AT CORTE MADERA LIBRARY, FIRE STATION 13 (5600 PARADISE DRIVE) AND THE TOWN HALL. IF YOU CHALLENGE THE ACTION OF THE TOWN COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE TOWN CLERK, AT OR PRIOR TO THE PUBLIC HEARING.

Any member of the public may request placement of an item on the agenda by submitting a request to the Town Clerk. The public is encouraged to contact the Town Manager at 415-927-5050 for assistance on any item between Council meetings.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5086. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting please notify the Town Clerk at least 3 business days (the Thursday before the meeting) in advance of the meeting date. If the town does not receive timely notification of your reasonable request, the town may not be able to make the necessary arrangements by the time of the meeting.

To sign up to receive automatic notifications regarding meetings and agendas, please visit the Town's website at <http://www.townofcortemadera.org> and click on "Notify Me" to register, or email the Town Clerk at: rvaughn@tcmail.org.

Town of Corte Madera

RESOLUTION NO. 13/2016

PUBLIC SERVICE RECOGNITION WEEK MAY 1 – 7, 2016

WHEREAS, the week of May 1 – 7, 2016 has been set aside nationally as Public Service Recognition Week; and

WHEREAS, the people of the Town of Corte Madera are served every single day by Town employees who provide the diverse services demanded of their government with efficiency and integrity; and

WHEREAS, the Town Council and Town's citizens recognize that the Town's employees are the organization's most important asset and resource for providing quality public services; and

WHEREAS, the Town also recognizes that there is a tradition of hard and often exemplary work and dedication to public service among its employees; and

WHEREAS, the Town wishes to support and encourage the continuation and growth of this tradition and to properly recognize and express its appreciation to its employees individually, as a group, Town-wide and in all departments.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DOES HEREBY RESOLVE:

The Corte Madera Town Council does hereby proclaim to all citizens that May 1-7, 2016 is Public Service Recognition Week. All citizens of our Town, and our neighbors as well, are hereby encouraged to join together in celebration and acknowledgement of Public Service Employees.

SLOAN C. BAILEY, MAYOR

DIANE FURST, VICE MAYOR
JAMES ANDREWS, COUNCILMEMBER
CARLA CONDON, COUNCILMEMBER
MICHAEL LAPPERT, COUNCILMEMBER

ATTEST:
REBECCA VAUGHN, TOWN CLERK

DAVID BRACKEN, TOWN MANAGER

CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: April 26, 2016
Meeting Date: May 3, 2016

TO: TOWN COUNCIL OF CORTE MADERA

FROM: MARIO FIORENTINI, DIRECTOR OF RECREATION AND LEISURE SERVICES

SUBJECT: APPROVAL OF TRANSFER OF APPROPRIATED FUNDS FROM GREEN ROOM REMODEL PROJECT (\$40,000) TO SKATE PARK FENCING PROJECT (\$15,000) AND TOWN PARK FIELD IRRIGATION VALVE RELOCATION PROJECT (\$25,000)

* * * * *

BACKGROUND:

During the capital project budget cycle, the parks and recreation staff recommended a project to remodel the Green Room in the Community Center. The Green Room is the room located directly behind the stage with access to the Community Center kitchen, and entrance and exit via the Green Room stairs. It is the home of our Kids Club After School Program throughout the school year and during the summer months it serves as the home base for the Summer Playground staff. The planned remodel was to include, new cabinets, room insulation, replacing and upgrading the existing wainscoting, and adding some amenities such as an art sink, water fountain and expanded storage. There was also consideration of enlarging the room by expanding it into the stage area. Currently we are not sure if the expansion is feasible and we would need to consult an architect. For this reason, we would like to delay this proposed remodel and reallocate the funds to other projects. We would re-propose the remodel project in future years.

PURPOSE and DISCUSSION:

The proposed projects we are looking at with the allocated funds would be to complete the fencing surrounding the skate park with upgraded gates and relocating irrigation valves that are in Town Park.

The skate park currently has a 3' fence and self-closing gates surrounding ¾ of its perimeter. The West facing side of the skate park is open to the parking lot and has a berm and landscaping as a natural border. In recent months there has been an increase in

the amount of complaints and problems that have been created by inappropriately aged children going into the skate park. In light of these issues, we thought it would be a good time to increase the security of the skate park, by completing the fencing around the West side and by installing gates that are operable for adults and teens.

The relocation of the irrigation valves in Town Park is to increase the safety of the users of our fields. There are currently 10 irrigation boxes that are located in the field of play on the West Field. These boxes create a hazard on the field when users are running on it during games or practices. We would like to have them relocated to an area that would be more discreet and out of the field of play. This would also allow us more flexibility in locating the fields in order to provide the optimal playing area during our peak seasons.

FISCAL IMPACT:

Capital Budget FY 15/16:

Green Room Remodel	\$40,000
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Reallocation of funds for FY 15/16

Skate Park Fencing Project	\$15,000
Town Park Field Irrigation Valve Relocation Project	\$25,000

OPTIONS:

1. Accept the report and recommendations,
2. Make modifications to the recommendations.
3. Take no action. Request staff to bring back information or other alternatives to address the recommendations presented in this report.

RECOMMENDATION: APPROVE TRANSFER OF APPROPRIATION

This material has been reviewed
by the Town Manager

CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: April 14, 2016
Meeting Date: May 3, 2016

TO: TOWN MANAGER, MAYOR AND TOWN COUNCIL

FROM: GEORGE T. WARMAN, JR., DIRECTOR OF ADMINISTRATIVE SERVICES/
TOWN TREASURER

SUBJECT: ADOPTION OF PROPOSED RESOLUTION NO. 10/2016 ADOPTING THE
ICMA RETIREMENT CORPORATION'S VANTAGECARE RETIREMENT
HEALTH SAVINGS (RHS) PLAN NUMBER 803626 – TOWN OF CORTE
MADERA DEPARTMENT HEADS AND CORTE MADERA TOWN
MANAGER

PURPOSE:

To approve becoming a member of the ICMA Retirement Corporation's VantageCare Retirement Health Savings Plan for employees hired after August 1, 2011 for Town of Corte Madera Department Heads and the Corte Madera Town Manager.

RECOMMENDATION:

Staff recommends that the Town Council adopt proposed Resolution No. 10/2016 in Attachment #1.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA,
CALIFORNIA, ADOPTING THE ICMA RETIREMENT CORPORATION'S
VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS)
PLAN NUMBER 803626 –
TOWN OF CORTE MADERA DEPARTMENT HEADS
AND
CORTE MADERA TOWN MANAGER**

OPTIONS:

This action would implement Section 5 Retiree Medical (new employees hired after August 1, 2011) of Town of Corte Madera Department Heads and Corte Madera Town Manager Salary Resolution No. 38/2015 adopted by the Town Council on October 20, 2015.

TOWN MANAGER’S RECOMMENDATION:

Support Staff’s recommendation.

GENERAL PLAN:

Not applicable.

ENVIRONMENTAL IMPACT:

Not applicable.

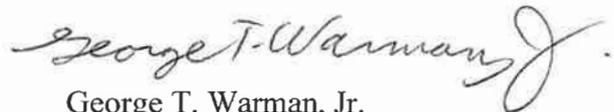
FISCAL IMPACTS:

One Department Head will qualify for a partial yearly payment in 2017. None of the other employees in this grouping are affected by this benefit.

DISCUSSION:

In early 2011, Staff and the Town Council addressed the increasing cost of retiree health insurance by beginning the implementation of changes to the five (5) collective bargaining groups retiree health insurance provisions to reduce the “Other Post Employment Benefit (OPEB)” liability and the “Annual Required Contribution (ARC)” to fund retiree health insurance. The SEIU collective bargaining group was the first of the five groups to accept the changes. The SEIU Retirement Savings Plan Number 803431 with the International City Management Association Retirement Corporation (ICMA-RC) was approved by Resolution No. 01/2015 on January 6, 2015.

The documents in this report are based on the SEIU Retirement Savings Plan.



George T. Warman, Jr.
Director of Administrative Services/
Town Treasurer

ATTACHMENTS:

1. Proposed Resolution No. 10/2016
2. Four (4) Associated Enrollment Documents

ATTACHMENT 1

PROPOSED RESOLUTION
NO. 10/2016

RESOLUTION NO. 10/2016

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA,
CALIFORNIA, ADOPTING THE ICMA RETIREMENT CORPORATION'S
VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS)
PLAN NUMBER 803626 –
TOWN OF CORTE MADERA DEPARTMENT HEADS
AND
CORTE MADERA TOWN MANAGER**

WHEREAS, the Town of Corte Madera (the “Employer”) has employees rendering valuable services;
and

WHEREAS, the establishment of a retiree health savings plan for such employees serves the interests
of the Employer by enabling it to provide reasonable security regarding such employees’
health needs during retirement, by providing increased flexibility in its personnel
management system, and by assisting in the attraction and retention of competent
personnel; and

WHEREAS, the Employer has determined that the establishment of the retiree health savings plan (the
“Plan”) serves the above objectives.

NOW, THEREFORE BE IT RESOLVED, that the Employer hereby adopts the Plan in the form of
the ICMA Retirement Corporation’s VantageCare Retirement Health Savings program.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the ICMA
Retirement Corporation serving as trustee for the exclusive benefit of the Plan
participants and their survivors, and the assets of the Plan shall not be diverted to any
other purpose prior to the satisfaction of all liabilities of the Plan. The Employer has
executed the Declaration of Trust in the form of the model trust made available by the
ICMA Retirement Corporation.

BE IT FURTHER RESOLVED that the Director of Administrative Services shall be the coordinator
and contact for the Plan and shall receive necessary reports, notices, etc.

* * * * *

I HEREBY CERTIFY, that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on 3rd day of May, 2016 by the following vote, to wit:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

ATTACHMENT 2

FOUR (4) ASSOCIATED
ENROLLMENT DOCUMENTS

**VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS)
ADOPTION AGREEMENT**

Plan Number: 8 03626

Select as applicable: Standalone RHS Integrated RHS Amendment to Existing Plan New Plan

I. **Employer Name:** Town of Corte Madera State: CA

II. **The Employer hereby attests that it is a unit of a state or local government or an agency or instrumentality of one or more units of a state or local government.**

III. **Plan Dates:**

A. **Plan Effective Date** January 1, 2016

B. **Plan Year:** Enter the annual accounting period for the RHS program. Calendar Year

IV. **The Employer intends to utilize the Trust to fund only welfare benefits pursuant to the following welfare benefit plan(s) established by the Employer:** Retiree Health Insurance

V. **Eligible Groups, Participation and Participant Eligibility Requirements**

A. **Eligible Groups**

The following group or groups of Employees are eligible to participate in the Employer's welfare benefits plan identified in Section IV. (check all applicable boxes):

- All Employees
- All Full-Time Employees
- Non-Union Employees
- Public Safety Employees – Police
- Public Safety Employees – Firefighters
- General Employees
- Collectively-Bargained Employees (Specify unit(s)) Corte Madera Department Heads and Town Manager
- Other (specify group(s)) _____

The Employee group(s) specified must correspond to a group(s) of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other documents or provisions in effect in the state or locality of the Employer.

B. **Participation**

Mandatory Participation: All Employees in the covered group(s) are required to participate in the Plan and shall receive contributions pursuant to Section VI.

If the Employer's underlying welfare benefit plan is in whole or part a non-collectively bargained plan that allows reimbursement for medical expenses other than insurance premiums, the nondiscrimination requirements of Internal Revenue Code (IRC) Section 105(h) will apply. These rules may impose taxation on the benefits received by highly compensated individuals if the Plan discriminates in favor of highly compensated individuals in terms of eligibility or benefits. The Employer should discuss these rules with appropriate counsel.

C. Participant Eligibility Requirements

1. Minimum service: The minimum period of service required for participation is 3 yrs (write N/A if no minimum service is required).
2. Minimum age: The minimum age required for eligibility to participate is N/A (write N/A if no minimum age is required).

VI. Contribution Sources and Amounts

A. Definition of Earnings

The definition of Earnings will apply to all RHS Contribution Features that reference "Earnings", including Direct Employer Contributions (Section VI.B.1.) and Mandatory Employee Compensation Contributions (Section VI.B.2).

Definition of earnings: Direct Employer Contributions

B. Direct Employer Contributions and Mandatory Contributions

1. Direct Employer Contributions

The Employer shall contribute on behalf of each Participant

- _____ % of Earnings*
- \$ _____ each Plan Year
- A discretionary amount to be determined each Plan Year
- Other (describe): See attached Addendum

2. Mandatory Employee Compensation Contributions

The Employer will make mandatory contributions of Employee compensation as follows:

- Reduction in Salary - _____ % of Earnings or \$ _____ will be contributed for the Plan Year.
- Decreased Merit or Pay Plan Adjustment - All or a portion of the Employees' annual merit or pay plan adjustment will be contributed as follows:

An Employee shall not have the right to discontinue or vary the rate of Mandatory Contributions of Employee Compensation.

3. Mandatory Employee Leave Contributions

The Employer will make mandatory contributions of accrued leave as follows (provide formula for determining Mandatory Employee Leave contributions):

- Accrued Sick Leave _____
- Accrued Vacation Leave _____
- Other (specify type of leave) Accrued _____ Leave

An Employee shall not have the right to discontinue or vary the rate of mandatory leave contributions.

** Non-collectively bargained plans that reimburse medical expenses other than insurance premiums should consult their benefits counsel regarding welfare plan nondiscrimination rules if the employer elects to make contributions based on a percentage of earnings.*

C. Limits on Total Contributions (check one box)

The total contribution by the Employer on behalf of each Participant (including Direct Employer and Mandatory Employee Contributions) for each Plan Year shall not exceed the following limit(s) below. Limits on individual contribution types are defined within the appropriate section above.

- There is no Plan-defined limit on the percentage or dollar amount of earnings that may be contributed.
- ____ % of earnings
 Definition of earnings: Same as Section VI.A. Other
- \$ ____ for the Plan year.

VII. Vesting for Direct Employer Contributions

A. Vesting Schedule (check one box)

- The account is 100% vested at all times.
- The following vesting schedule shall apply to Direct Employer Contributions as outlined in Section VI.B.1.:

Years of Service Completed	Vesting Percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

B. The account will become 100% vested upon the death, disability, retirement*, or attainment of benefit eligibility (as outlined in Section IX) by a Participant.

*Definition of retirement includes a separation from service component and is further defined by (check one):

- The primary retirement plan of the Employer
- Separation from service
- Other _____

C. Any period of service by a Participant prior to a rehire of the Participant by the Employer shall not count toward the vesting schedule outlined in A above.

VIII. Forfeiture Provisions

If a Participant separates from service prior to full vesting, non-vested funds in the Participant's account shall be forfeited in accordance with the box checked under this section.

Upon the death of a participant, surviving spouse, and all surviving eligible dependents (as outlined in Section XI), funds remaining in the Participant's account shall be revert to the Trust in accordance with the box checked under this section.

If a Participant permanently opts out and waives future reimbursements, as allowed under IRS Notice 2013-54, all funds in the Participant's account at the time of waiver shall be forfeited in accordance with the box checked under this section.*

- Remain in the Trust to be reallocated among all remaining Employees participating in the Plan as Direct Employer Contributions for the next and succeeding contribution cycle(s).
- Remain in the Trust to be reallocated on an equal dollar basis among all Plan Participants.
- Remain in the Trust to be reallocated among all Plan Participants based upon Participant account balances.
- Revert to the Employer.

IX. Eligibility Requirements to Receive Medical Benefit Payments from the VantageCare Retirement Health Savings Program

A. A Participant is eligible to receive benefits:

- At retirement only (also complete Section B.)
Definition of retirement:

- Same as Section VII.B.
- Other

- At separation from service with the following restrictions

- No restrictions
- Other

B. Termination prior to general benefit eligibility: In case where the general benefit eligibility as outlined in Section IX.A includes a retirement component, a Participant who separates from service of the Employer prior to retirement will be eligible to receive benefits:

- Immediately upon separation from service
- Other

C. A Participant that becomes totally and permanently disabled

- as defined by the Social Security Administration
- as defined by the Employer's primary retirement plan
- other _____

will become immediately eligible to receive medical benefit payments from his/her account under the Employer's welfare benefits plan.

D. Upon the death of the Participant, benefits shall become payable as outlined in Section XI.

**If the Employer's RHS Program does not limit eligibility to participants who have separated from service, the employer will be required to provide further direction to ICMA-RC regarding the treatment of possible contributions that are required to be made following the participant's waiver.*

X. Permissible Medical Benefit Payments

Benefits eligible for reimbursement consist of:

- All Medical Expenses eligible under IRC Section 213 other than (i) direct long-term care expenses, and (ii) expenses for medicines or drugs which are not prescribed drugs (other than insulin).
- The following Medical Expenses eligible under IRC Section 213 other than (i) direct long-term care expenses, and (ii) expenses for medicines or drugs which are not prescribed drugs (other than insulin). Select only the expenses you wish to cover under the Employer's welfare benefits plan:
 - Medical Insurance Premiums
 - Medical Out-of-Pocket Expenses*
 - Medicare Part B Insurance Premiums
 - Medicare Part D Insurance Premiums
 - Medicare Supplemental Insurance Premiums
 - Prescription Drug Insurance Premiums
 - COBRA Insurance Premiums
 - Dental Insurance Premiums
 - Dental Out-of-Pocket Expenses*
 - Vision Insurance Premiums
 - Vision Out-of-Pocket Expenses*
 - Qualified Long-Term Care Insurance Premiums
 - Non-Prescription medications allowed under IRS guidance*
 - Other qualifying medical expenses (describe)*

* *Non-collectively bargained plans that reimburse medical expenses other than insurance premiums should consult their benefits counsel regarding welfare plan nondiscrimination rules if the employer elects to make contributions based on a percentage of earnings.*

XI. Benefits After the Death of the Participant

In the event of a Participant's death, the following shall apply:

A. Surviving Spouse and/or Surviving Dependents

Upon the death of a participant, the surviving spouse and/or surviving eligible dependents (as defined in Section XII.D.) of the deceased Participant are immediately eligible to maintain the Participant's RHS account and utilizing the remaining balance to fund eligible medical benefits specified in Section X above.

Upon notification of a Participant's death, the Participant's account balance will be transferred into Dreyfus Cash Management fund** (or another fund selected by the Employer). The account balance may be reallocated by the surviving spouse or dependents.

** *An investment in the Dreyfus Cash Management money market fund is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Although the fund seeks to preserve the value of your investment at \$1.00 per share, it is possible to lose money by investing in the fund. Investors should consider the investment objectives, risks, charges, and expenses of the fund carefully before investing. You may visit us at www.icmarc.org or call 800-669-7400 to obtain a prospectus that contains this and other information about the fund. Read the prospectus carefully before investing.*

If a Participant's account balance has not been fully utilized upon the death of the eligible spouse, the account balance may continue to be utilized to pay benefits of eligible dependents. Upon the death of all eligible dependents, the account will revert in accordance with the Employer's election under Section VIII of the *Vantage Care RHS Adoption Agreement*.

B. No Surviving Spouse or Surviving Dependents

If there are no living spouse or dependents at the time of death of the Participant, the account will revert in accordance with the Employer's election under Section VIII of the *VantageCare RHS Adoption Agreement*.

XII. The Plan will operate according to the following provisions:

A. Employer Responsibilities

1. The Employer will submit all **VantageCare** Retirement Health Savings Plan contribution data via electronic submission.
2. The Employer will submit all **VantageCare** Retirement Health Savings Plan Participant status updates or personal information updates via electronic submission. This includes but is not limited to termination notification, benefit eligibility, and vesting notification.

B. Participant account administration and asset-based fees will be paid through the redemption of Participant account shares, unless agreed upon otherwise in the Administrative Services Agreement.

C. Assignment of benefits is not permitted. Benefits will be paid only to the Participant, his/her Survivors, the Employer, or an insurance provider (as allowed by the claims administrator). Payments to a third-party payee (e.g., medical service provider) are not permitted with the exception of reimbursement to the Employer or insurance provider (as allowed by the claims administrator).

D. An eligible dependent is (a) the Participant's lawful spouse, (b) the Participant's child under the age of 27, as defined by IRC Section 152(f)(1) and Internal Revenue Service Notice 2010-38, or (c) any other individual who is a person described in IRC Section 152(a), as clarified by Internal Revenue Service Notice 2004-79.

E. The Employer will be responsible for withholding, reporting and remitting any applicable taxes for payments which are deemed to be discriminatory under IRC Section 105(h), as outlined in the *VantageCare Retirement Health Savings Employer Manual*.

XIII. Employer Acknowledgements

A. The Employer hereby acknowledges it understands that failure to properly fill out this *VantageCare Retirement Health Savings Adoption Agreement* may result in the loss of tax exemption of the Trust and/or loss of tax-deferred status for Employer contributions.

B. Check this box if you are including supporting documents that include plan provisions.

EMPLOYER SIGNATURE

By: _____

Date: _____

Title: George T. Warman, Jr, Director of Administrative Services

Attest: _____

Date: _____

Title: Rebecca S. Vaughn, Town Clerk

**ADDENDUM
EMPLOYER VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN
ADOPTION AGREEMENT
Plan Number 803626**

Section VI. Contribution Sources and Amounts

B.

Retiree Medical: New employees (hired or rehired after August 1, 2011)

The Town's retiree medical contribution shall be limited to the PERS Minimum Employer Contribution (MEC).

In addition to the MEC, the Town shall make the contributions to a Retirement Health Savings Account (RHSA) in accordance with the table below for employees hired or rehired after August 1, 2011:

<u>Years of Service</u>	<u>Town Contribution</u>
0 – 3	No contribution
Beginning of 4 th – 10	\$1,200 annual
Beginning of 11 th +	\$1,500 annual



VantageCare Retirement Health Savings Program Implementation Data Form – Page 1 of 3

Instructions to Employer: Provide necessary information to establish your plan properly.
Please contact your New Business Analyst at 800-326-7272, if you have any questions.

ICMA-RC Use Only: Employer # 803626

<p>General Information</p>	<ol style="list-style-type: none"> 1. (902) Employer's Full Name: <u>Town of Corte Madera</u> 2. (924) Street Address: <u>300 Tamalpais Drive</u> (925) _____ 3. (918) City: <u>Corte Madera</u> (919) State: <u>CA</u> (920) Zip Code: <u>94925</u> 4. (633) Primary Contact: <u>George T. Warman, Jr.</u> 5. (634) Primary Contact Title: <u>Director of Administrative Services</u> 6. (631) Primary Contact Telephone #: () <u>(415) 927-5054</u> 7. (632) Fax #: () <u>(415) 927-5087</u> 8. (PT00) E-mail Address: <u>gwarman@tcmmail.org</u> <i>This email will be used to provide an electronic copy of your plan summary.</i> 9. (882) Employer's Federal Tax Identification Number: <u>94-60041432</u> 10. # of Employees: <u>45</u> 11. # of Employees Eligible for Plan Participation: <u>7</u> 12. # of Employees Eligible to Receive Medical Benefits upon plan implementation: _____ 															
<p>Plan Implementation Information</p>	<ol style="list-style-type: none"> 13. (611) Contribution Information: (Note: * = default) <ol style="list-style-type: none"> a. Frequency: (check one): <table style="display: inline-table; vertical-align: top; margin-left: 10px;"> <tr> <td><input type="checkbox"/> (0) Bi-weekly*</td> <td><input type="checkbox"/> (4) Monthly</td> <td><input type="checkbox"/> (8) Semi-quarterly</td> </tr> <tr> <td><input type="checkbox"/> (1) Weekly</td> <td><input type="checkbox"/> (5) Semi-Monthly</td> <td><input type="checkbox"/> (9) Bi-annually</td> </tr> <tr> <td><input type="checkbox"/> (2) Semi-weekly</td> <td><input type="checkbox"/> (6) Bi-quarterly</td> <td><input type="checkbox"/> (10) Annually</td> </tr> <tr> <td><input type="checkbox"/> (3) Bi-monthly</td> <td><input type="checkbox"/> (7) Quarterly</td> <td><input type="checkbox"/> (11) Semi-annually</td> </tr> <tr> <td colspan="3"><input type="checkbox"/> () Other: _____</td> </tr> </table> b. Deposit Medium: (624) <input type="checkbox"/> Check * <input type="checkbox"/> Wire <input type="checkbox"/> EFT c. Data Medium: EZLink Required to participate in RHS Plan d. First Contribution Date Following Implementation: <u>January 2017</u> 	<input type="checkbox"/> (0) Bi-weekly*	<input type="checkbox"/> (4) Monthly	<input type="checkbox"/> (8) Semi-quarterly	<input type="checkbox"/> (1) Weekly	<input type="checkbox"/> (5) Semi-Monthly	<input type="checkbox"/> (9) Bi-annually	<input type="checkbox"/> (2) Semi-weekly	<input type="checkbox"/> (6) Bi-quarterly	<input type="checkbox"/> (10) Annually	<input type="checkbox"/> (3) Bi-monthly	<input type="checkbox"/> (7) Quarterly	<input type="checkbox"/> (11) Semi-annually	<input type="checkbox"/> () Other: _____		
<input type="checkbox"/> (0) Bi-weekly*	<input type="checkbox"/> (4) Monthly	<input type="checkbox"/> (8) Semi-quarterly														
<input type="checkbox"/> (1) Weekly	<input type="checkbox"/> (5) Semi-Monthly	<input type="checkbox"/> (9) Bi-annually														
<input type="checkbox"/> (2) Semi-weekly	<input type="checkbox"/> (6) Bi-quarterly	<input type="checkbox"/> (10) Annually														
<input type="checkbox"/> (3) Bi-monthly	<input type="checkbox"/> (7) Quarterly	<input type="checkbox"/> (11) Semi-annually														
<input type="checkbox"/> () Other: _____																



VantageCare Retirement Health Savings Program Implementation Data Form – Page 2 of 3

<p>Default Investment Option</p>	<p>The default fund will be used if a participant does not provide valid allocation instructions.</p> <p>If you do not make an election in this section, the Milestone Fund with the target date closest to a participant's 60th birthday will be used as your plan's default option.</p> <p>You may select the "Alternative Default" option if you would like to use a fund (or funds) other than the Milestone Funds as your plan's default option. Please see ICMA-RC's Standard Plan Fund Lineup at www.icmarc.org to complete this section.</p> <p>Note: Prior to selecting the "Alternative Default" option, employers should carefully review the Department of Labor's final regulations on qualified default investment alternatives (QDIAs). More information is available online at www.dol.gov or www.icmarc.org/ppa.</p> <p>Default Fund for Investment Allocations (Select one option):</p> <p><input checked="" type="checkbox"/> The Milestone Funds (Default) with a target retirement age of:</p> <p style="padding-left: 20px;"><input checked="" type="checkbox"/> Age 60 (Default)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Age _____ (Input the Target Retirement Age to be used for your plan)</p> <p><input type="checkbox"/> Alternative Default _____</p> <p style="padding-left: 20px;">(Input the fund name that will be used as the plan's default investment option)</p>
<p>Claims Contact Information</p> <p>Please indicate alternate addresses in Comments Section</p>	<p>If item #14-17 and 19 are left blank, the Primary Contact in #4 will receive mailings. Complete item #18.</p> <p>14. PT01 Contact Signature: _____</p> <p>(200) Contact Name: <u>Jonna Intoschi jintoschi@tcmmail.org</u></p> <p>(210) Contact Title: <u>Financial Analyst II</u></p> <p>(420) Telephone: () (415) 927-5055 (421) Fax: (415) 927-5087</p> <p>15. PT08 Contact Signature: _____</p> <p>(200) Contact Name: _____</p> <p>(210) Contact Title: _____</p> <p>(420) Telephone: () _____ (421) Fax: () _____</p> <p>16. PT09 Contact Signature: _____</p> <p>(200) Contact Name: _____</p> <p>(210) Contact Title: _____</p> <p>(420) Telephone: () _____ (421) Fax: () _____</p>
<p>Contribution Contact Information</p>	<p>17. PT02 (200) Contact Name: <u>Jonna Intoschi jintoschi@tcmmail.org</u></p> <p>(210) Contact Title: <u>Financial Analyst II</u></p> <p>(420) Telephone: () (415) 927-5055 (421) Fax: (415) 927-5087</p>



VantageCare Retirement Health Savings Program Implementation Data Form – Page 3 of 3

Trustee Contact Information	18. PT10 (200) Trustee Name: <u>Town of Corte Madera</u> (210) Trustee Title: <u>Director of Administrative Services</u> (215) Trustee: <u>George T. Warman, Jr.</u> (310) Trustee Address: _____ (305) Street <u>300 Tamalpais Drive</u> (320) City <u>Corte Madera</u> (325) State <u>CA</u> (330) Zip <u>94925</u> (401) Y / N _____ (402) Y / N _____ (420) Telephone: (<u> </u>) <u>(415) 927-5054</u> (421) Fax: (<u>415</u>) <u>927-5087</u>
Billing (Fees) Contact Information	19. PT06 (200) Contact Name: <u>Jonna Intoschi jintoschi@tcmmail.org</u> (210) Contact Title: <u>Financial Analyst II</u> (420) Telephone: (<u> </u>) <u>(415) 927-5055</u> (421) Fax: (<u>415</u>) <u>927-5087</u>
Comments: (Alternate Addresses for #14-19)	
Internal Use Only	641 _____ 912 _____ 608 _____ 074 _____

ADMINISTRATIVE SERVICES AGREEMENT

Between

ICMA Retirement Corporation

and

Town of Corte Madera Department Heads

and

Corte Madera Town Manager

Type: VantageCare RHS

Account Number: 803626

ADMINISTRATIVE SERVICES AGREEMENT

This Agreement, made as of the 1ST day of JANUARY, 20 17 (herein referred to as the "Inception Date"), between The International City Management Association Retirement Corporation ("ICMA-RC"), a nonprofit corporation organized and existing under the laws of the State of Delaware; and the Town of Corte Madera Department Heads ("Employer") a local governmental instrumentality organized and existing under the laws of the State of California with an office at 300 Tamalpais Drive, Corte Madera, California 94925.

RECITALS

Employer acts as a public plan sponsor for a retiree health plan with responsibility to obtain investment alternatives and services for employees participating in that plan;

Employer desires to make the VantageCare Retirement Health Savings ("RHS") Program provided by ICMA-RC available to its employees through the Employer's integral part trust ("Trust") and the Employer's welfare benefits plan ("Plan");

ICMA-RC acts as investment adviser to VantageTrust Company, LLC ("VTC"), the Trustee of VantageTrust II Multiple Collective Investment Funds Trust ("VantageTrust II");

VantageTrust II is a group trust established and maintained in accordance with New Hampshire Revised Statutes Annotated section 391:1 and Internal Revenue Service Revenue Rulings 81-100 and 2011-1, which provides for the collective investment and reinvestment of assets of certain tax-exempt, governmental pension and profit sharing plans, and retiree welfare plans, and other eligible investors;

VTC makes a series of separate funds (the "VT II Funds") available through VantageTrust II for the investment of plan assets as referenced in VantageTrust II's Declaration of Trust and Disclosure Memorandum ("Disclosure Materials");

VTC is a wholly owned subsidiary of ICMA-RC and has exclusive management and investment authority with respect to the VT II Funds;

The VT II Funds are available only through adoption of VantageTrust II; and

In addition to serving as investment adviser to VTC, ICMA-RC provides a complete offering of services to public employers for the operation of employee retirement and retiree health savings plans including, but not limited to, communications concerning investment alternatives, account maintenance, account record-keeping, investment and tax reporting, form processing, benefit disbursement and asset management.

AGREEMENTS

1. Acceptance of RHS Program

Employer agrees to make the RHS Program provided by ICMA-RC available to its employees. The details of the RHS Program shall be as mutually agreed between the Employer and ICMA-RC, and in general shall be as set forth in the RHS Program materials developed by ICMA-RC and provided to Employer. The RHS Program materials are hereby incorporated by reference and made a part of this Agreement, except that Employer and ICMA-RC may from time to time mutually agree in writing to terms that vary from the RHS Program materials. RHS Program materials shall include the *VantageCare RHS Employer Manual*, available electronically through the EZ Link System upon adoption of the RHS Program.

The functions to be performed by ICMA-RC and its agents include:

- (a) allocation in accordance with participant direction of individual accounts to investment funds ("Funds") made available to Plan participants;
- (b) maintenance of individual accounts for participants reflecting amounts contributed, income, gain, or loss credited, and amounts disbursed as benefits;
- (c) provision of periodic reports to the Employer and participants of the status of Plan investments and individual accounts;
- (d) communication to participants of information regarding their rights and elections under the Plan;
- (e) disbursement of benefits as agent for the Employer in accordance with terms of the Plan; and
- (f) performance of tax withholding and reporting in conjunction with the Employer for each RHS account.

2. Employer Duty to Furnish Information

Employer agrees to furnish to ICMA-RC on a timely basis such information as is necessary for ICMA-RC to carry out its responsibilities with respect to the Plan, including information needed to allocate individual participant accounts to Funds, and information as to the benefit eligibility and employment status of participants, and participants' ages, addresses, dependents, spouses and other identifying information (including tax identification numbers). Employer also agrees that it will notify ICMA-RC in a timely manner regarding changes in staff as it relates to various roles. This is to be completed through the online EZLink employer contact options. ICMA-RC shall be entitled to rely upon the accuracy of any information that is furnished to it by a responsible official of the Employer or any information relating to an individual participant, spouse or dependent that is furnished by such participant, spouse or dependent, and ICMA-RC shall not be responsible for any error arising from its reliance on such information. ICMA-RC

will provide reports, statements and account information to the Employer through EZLink, the online plan administrative tool.

3. ICMA-RC Representations and Warranties

ICMA-RC represents and warrants to Employer that:

- (a) ICMA-RC is a non-profit corporation with full power and authority to enter into this Agreement and to perform its obligations under this Agreement.
- (b) ICMA-RC is an investment adviser registered as such with the Securities and Exchange Commission under the Investment Advisers Act of 1940, as amended..

4. Employer Representations and Warranties

Employer represents and warrants to ICMA-RC that:

- (a) Employer is organized in the form and manner recited in the opening paragraph of this Agreement with full power and authority to enter into and perform its obligations under this Agreement and to act for the Plan and participants in the manner contemplated in this Agreement. Execution, delivery, and performance of this Agreement will not conflict with any law, rule, regulation or contract by which the Employer is bound or to which it is a party.
- (b) Information required to be retained by the Employer shall be set forth in the RHS Program materials developed by ICMA-RC and provided to the Employer.
- (c) Employer is responsible for determining that there are no state or local laws that would prohibit it from establishing the RHS Program. Employer is also responsible for determining that the investments selected for the Plan fall within state or local requirements. ICMA-RC shall not be responsible for monitoring state or local law or for administering the Plan in compliance with local or state requirements unless Employer notifies ICMA-RC of any such local or state requirements.
- (d) Employer acknowledges that the RHS Plan is a “health plan” for Health Insurance Portability and Accountability Act (“HIPAA”) purposes and therefore is subject to HIPAA privacy rules. Employer also acknowledges that the RHS Plan is a Health Reimbursement Arrangement, subject to applicable provisions of the Affordable Care Act (“ACA”). An employer sponsoring the Plan is responsible for complying with the HIPAA privacy and security rules with respect to all protected health information created, maintained, received, or transmitted in relation to the Plan and is responsible for complying with the ACA.
- (e) Employer acknowledges that certain such services to be performed by ICMA-RC under this Agreement may be performed by an affiliate or agent of ICMA-RC pursuant to one

or more other contractual arrangements or relationships, and that ICMA-RC reserves the right to change vendors with which it has contracted to provide services in connection with this Agreement without prior notice to Employer.

- (f) Employer acknowledges and agrees that ICMA-RC does not assume any responsibility with respect to the selection or retention of the Plan's investment options. Employer shall have exclusive responsibility for the selection and retention of the Plan's investment options, including the selection of the applicable mutual fund share class.
- (g) To the extent the Funds in the Plan's investment lineup include VT II Funds, Employer confirms that it has executed a Participation Agreement for VantageTrust II and acknowledges that it has received the Disclosure Materials.

5. Participation in Certain Proceedings

The Employer hereby authorizes ICMA-RC to act as agent, to appear on its behalf, and to join the Employer as a necessary party in all legal proceedings regarding the Plan involving the garnishment of benefits or the transfer of benefits pursuant to a medical child support order. Unless Employer notifies ICMA-RC otherwise, Employer authorizes ICMA-RC to determine whether disbursement of benefits to a spouse or child pursuant to a medical child support order is appropriate.

6. Compensation and Payment

Absent an explicit agreement to the contrary between ICMA-RC and Employer, participant fees and expenses shall be payable from RHS assets, in accordance with the requirements of the RHS Program as set forth below.

- (a) *For RHS assets in the VT II Funds*
 - (i) Asset-based fees will be included in the daily unit value of each VT II Fund; and
 - (ii) No separate asset-based fees will be assessed.
- (b) *For assets in Funds other than the VT II Funds*, an annual asset fee of 0.30% (30 basis points) will be charged on a quarterly basis, based on the balance in the account on the last day of the previous quarter.
- (c) A \$ 25 annual account administration fee will be charged quarterly to each Accountholder's account.
- (d) Asset-based fees and the annual account administration fee are subject to change with appropriate prior notification.
- (e) **Compensation for Advisory and other Services to The Vantagepoint Funds.** Employer acknowledges that certain wholly-owned subsidiaries of ICMA-RC

receive compensation from The Vantagepoint Funds for advisory and other services furnished to The Vantagepoint Funds, a series of no-load, diversified mutual funds. The Vantagepoint Funds serve as the underlying funds to certain VT II Funds, and ICMA-RC makes available The Vantagepoint Funds for investment of public employer plan assets, including RHS Plan assets. The fees referred to in this subsection are disclosed in The Vantagepoint Funds Prospectus and Statement of Additional Information.

7. Contribution Remittance

Employer understands that amounts contributed to the Plan are to be remitted directly to Vantagepoint Transfer Agents in accordance with instructions provided to Employer in the RHS Program materials and are not to be remitted to the ICMA Retirement Trust or ICMA-RC. In the event that any check or wire transfer is incorrectly labeled or transferred, ICMA-RC will return it to Employer with proper instructions.

8. Responsibility

- (a) ICMA-RC shall not be responsible for any acts or omissions of any person with respect to the Plan, or related Trust, other than ICMA-RC in connection with the administration or operation of the Plan or related Trust.
- (b) The Employer understands that, as a general matter, the Internal Revenue Service (“IRS”) may decline to rule on certain design features or provisions that the Employer may request to have added to the RHS Program materials. The Employer agrees to hold ICMA-RC harmless in connection with the addition and administration of any Plan feature or provision requested by the Employer for which the IRS will not provide express interpretive guidance.

9. Indemnification

Employer shall indemnify ICMA-RC against, and hold ICMA-RC harmless from, any and all loss, damage, penalty, liability, cost, and expense, including without limitation, reasonable attorney’s fees, that may be incurred by, imposed upon, or asserted against ICMA-RC by reason of any claim, regulatory proceeding, or litigation arising from any act done or omitted to be done by any individual or person with respect to the Plan or related Trust, excepting only any and all loss, damage, penalty, liability, cost or expense resulting from ICMA-RC’s negligence, bad faith, or willful misconduct.

10. Term

This Agreement shall be in effect for an initial term beginning on the Inception Date and ending 5 years after the Inception Date. This Agreement will be renewed automatically for each succeeding year unless written notice of termination is provided by either party to the other no less than 60 days before the end of such Agreement year.

11 Amendments and Adjustments

- (a) This Agreement may be amended by written instrument signed by the parties.
- (b) The parties agree that only an adjustment to compensation or administrative and operational services under this Agreement may be implemented by ICMA-RC through a proposal to the Employer via correspondence or the Employer Bulletin. The Employer will be given at least 60 days to review the proposal before the effective date of the adjustment. Such adjustment shall become effective unless, within the 60 day period before the effective date, the Employer notifies ICMA-RC in writing that it does not accept such adjustment, in which event the parties will negotiate with respect to the adjustment.
- (c) No failure to exercise and no delay in exercising any right, remedy, power or privilege hereunder shall operate as a waiver of such right, remedy, power or privilege.

12. Notices

All notices required to be delivered under this Agreement shall be delivered personally or by registered or certified mail, postage prepaid, return receipt requested, to (i) Legal Department, ICMA Retirement Corporation, 777 North Capitol Street, N.E., Suite 600, Washington, D.C, 20002-4240; (ii) Employer at the office set forth in the first paragraph hereof, or to any other address designated by the party to receive the same by written notice similarly given.

13 Complete Agreement

This Agreement shall constitute the sole agreement between ICMA-RC and Employer relating to the object of this Agreement and correctly sets forth the complete rights, duties and obligations of each party to the other as of its date. Any prior agreements, promises, negotiations or representations, verbal or otherwise, not expressly set forth in this Agreement are of no force and effect.

14. Governing Law

This agreement shall be governed by and construed in accordance with the laws of the State of California applicable to contracts made in that jurisdiction without reference to its conflicts of laws provisions.

In Witness Whereof, the parties hereto have executed this Agreement as of the Inception Date first above written.

CITY OF CORTE MADERA
DEPARTMENT HEADS AND TOWN MANAGER

By _____
Signature/Date

GEORGE T. WARMAN, JR.
By DIRECTOR OF ADMINISTRATIVE SERVICES
Name and Title (Please Print)

INTERNATIONAL CITY
MANAGEMENT ASSOCIATION
RETIREMENT CORPORATION

By 
Erica McFarquhar
Assistant Secretary



EZLINK ACCESS FORM — PAGE 1 OF 2

Plan Name: Department Heads and Town Manager - RHSA
Plan Number(s): 803626

(All plan numbers must be listed to avoid processing delays.)

1 Primary Contact Information

Primary Contact Name: George T. Warman, Jr.
Primary Contact Title: Director of Administrative Services
Email Address: gwarman@tcmmail.org
Daytime Phone Number: (415) 927-5054

2 EZLink User Information

Select One: [x] Add New User ID [] Update User ID [] Remove User ID
Name: George T. Warman, Jr.
Title: Director of Administrative Services
Email Address: gwarman@tcmmail.org
Daytime Phone Number: (415) 927-5054

Access Options (You must select either yes or no for each access option):

Balance Inquiry [x] Yes [] No File Transfer [x] Yes [] No
Enrollments/Rehire [x] Yes [] No Participant Data Transfers [x] Yes [] No
Participant Changes [x] Yes [] No

Select One: [] Add New User ID [x] Update User ID C462OUSR1 [] Remove User ID
Name: Jonna Intoschi
Title: Financial Analyst II
Email Address: jintoschi@tcmmail.org
Daytime Phone Number: (415) 927-5055

Access Options (You must select either yes or no for each access option):

Balance Inquiry [x] Yes [] No File Transfer [x] Yes [] No
Enrollments/Rehire [x] Yes [] No Participant Data Transfers [x] Yes [] No
Participant Changes [x] Yes [] No

Select One: [] Add New User ID [] Update User ID [] Remove User ID
Name:
Title:
Email Address:
Daytime Phone Number: () -

Access Options (You must select either yes or no for each access option):

Balance Inquiry [] Yes [] No File Transfer [] Yes [] No
Enrollments/Rehire [] Yes [] No Participant Data Transfers [] Yes [] No
Participant Changes [] Yes [] No



EZLINK ACCESS FORM — PAGE 2 OF 2

3 EZLink User Information (continued)

Select One: Add New User ID Update User ID _____ Remove User ID

Name: _____

Title: _____

Email Address: _____

Daytime Phone Number: (____) _____ - _____

Access Options (You must select either yes or no for each access option):

- Balance Inquiry Yes No File Transfer Yes No
Enrollments/Rehire Yes No Participant Data Transfers Yes No
Participant Changes Yes No

Select One: Add New User ID Update User ID _____ Remove User ID

Name: _____

Title: _____

Email Address: _____

Daytime Phone Number: (____) _____ - _____

Access Options (You must select either yes or no for each access option):

- Balance Inquiry Yes No File Transfer Yes No
Enrollments/Rehire Yes No Participant Data Transfers Yes No
Participant Changes Yes No

4 Primary Contact Approval

ICMA-RC considers participant information to be highly confidential, and we go to great lengths to avoid breaching that confidentiality. For this reason, ICMA-RC cannot be responsible for (i) negligent or intentional misuse of the password by the municipality's officers, employees, agents or contractors, (ii) a breach of confidentiality that may occur as a result of such negligent or intentional misuse of the password, or (iii) a breach of confidentiality that may occur as a proximate result of the municipality's access to the participant database. If the municipality uses EZLink online transaction processing, please remember to review all financial information you have entered for your participants, as ICMA-RC is not responsible for incorrect data transmitted by the municipality. ICMA-RC recommends that you encourage all participants to review confirmations for accuracy. EZLink User IDs that have not been used within a consecutive eighteen month period will be systematically deleted to further protect the security of your plan and participant data.

ICMA-RC's website is normally available 24 hours a day, seven days a week. However, service availability is not guaranteed. Neither ICMA-RC or its affiliates, the Vantage Trust Company, nor The Vantagepoint Funds will be responsible for any loss (or forgone gain) you may incur as a result of service being unavailable.

Please signify your agreement to these terms by signing in the space indicated below. We will provide you with User ID(s) and Password(s) to begin using EZLink. Should you have questions, please call our EZLink Team at 1-800-326-7272.

Agreed: _____ Date: _____

Print your name: George T. Warman, Jr. _____

For ICMA-RC Internal Use Only:

EZLink Primary _____ NBS _____ EZLink QA _____ Data Security _____

This material has been reviewed
by the Town Manager

CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: April 14, 2016
Meeting Date: May 3, 2016

TO: TOWN MANAGER, MAYOR AND TOWN COUNCIL
FROM: GEORGE T. WARMAN, JR., DIRECTOR OF ADMINISTRATIVE SERVICES/
TOWN TREASURER
SUBJECT: ADOPTION OF PROPOSED RESOLUTION NO. 11/2016 ADOPTING THE
ICMA RETIREMENT CORPORATION'S VANTAGECARE RETIREMENT
HEALTH SAVINGS (RHS) PLAN NUMBER 803627 – TOWN OF CORTE
MADERA FIRE MID MANAGEMENT

* * * * *

PURPOSE:

To approve becoming a member of the ICMA Retirement Corporation's VantageCare Retirement Health Savings Plan for employees hired after December 31, 2012 of the Town of Corte Madera Fire Mid Management, collective bargaining group.

RECOMMENDATION:

Staff recommends that the Town Council adopt proposed Resolution No. 11/2016 in Attachment #1.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA,
CALIFORNIA, ADOPTING THE ICMA RETIREMENT CORPORATION'S
VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS)
PLAN NUMBER 803627 –
TOWN OF CORTE MADERA FIRE MID MANAGEMENT**

OPTIONS:

This action would implement Section 4 Retiree Medical and Hospital Insurance (new employees hired after December 31, 2012) of the Fire Mid Management Group's Salary Resolution No. 33/2015 adopted by the Town Council on August 18, 2015.

TOWN MANAGER’S RECOMMENDATION:

Support Staff’s recommendation.

GENERAL PLAN:

Not applicable.

ENVIRONMENTAL IMPACT:

Not applicable.

FISCAL IMPACTS:

Neither of the two (2) existing employees in the Corte Madera Fire Mid Management Group are affected by this benefit. There is one vacant position due to a service retirement that would qualify for a partial yearly payment in January of 2018, depending on the date of hire and when the probationary period is passed.

DISCUSSION:

In early 2011, Staff and the Town Council addressed the increasing cost of retiree health insurance by beginning the implementation of changes to the five (5) collective bargaining groups retiree health insurance provisions to reduce the “Other Post Employment Benefit (OPEB)” liability and the “Annual Required Contribution (ARC)” to fund retiree health insurance. The SEIU collective bargaining group was the first of the five groups to accept the changes. The SEIU Retirement Savings Plan Number 803431 with the International City Management Association Retirement Corporation (ICMA-RC) was approved by Resolution No. 01/2015 on January 6, 2015.

The Corte Madera Firefighters Association Retirement Savings Plan Number 803432 with International City Management Association Retirement Corporation (ICMA-RC) was approved by Resolution No. 04/2016 on March 15, 2016. The documents in this report are based on the Corte Madera Firefighters Association Retirement Savings Plan.



George T. Warman, Jr.
Director of Administrative Services/
Town Treasurer

ATTACHMENTS:

1. Proposed Resolution No. 11/2016
2. Four (4) Associated Enrollment Documents

ATTACHMENT 1

PROPOSED RESOLUTION
NO. 11/2016

RESOLUTION NO. 11/2016

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA,
CALIFORNIA, ADOPTING THE ICMA RETIREMENT CORPORATION'S
VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS)
PLAN NUMBER 803627 –
TOWN OF CORTE MADERA FIRE MID MANAGEMENT**

WHEREAS, the Town of Corte Madera (the “Employer”) has employees rendering valuable services;
and

WHEREAS, the establishment of a retiree health savings plan for such employees serves the interests
of the Employer by enabling it to provide reasonable security regarding such employees’
health needs during retirement, by providing increased flexibility in its personnel
management system, and by assisting in the attraction and retention of competent
personnel; and

WHEREAS, the Employer has determined that the establishment of the retiree health savings plan (the
“Plan”) serves the above objectives.

NOW, THEREFORE BE IT RESOLVED, that the Employer hereby adopts the Plan in the form of
the ICMA Retirement Corporation’s VantageCare Retirement Health Savings program.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the ICMA
Retirement Corporation serving as trustee for the exclusive benefit of the Plan
participants and their survivors, and the assets of the Plan shall not be diverted to any
other purpose prior to the satisfaction of all liabilities of the Plan. The Employer has
executed the Declaration of Trust in the form of the model trust made available by the
ICMA Retirement Corporation.

BE IT FURTHER RESOLVED that the Director of Administrative Services shall be the coordinator
and contact for the Plan and shall receive necessary reports, notices, etc.

* * * * *

I HEREBY CERTIFY, that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on 3rd day of May, 2016 by the following vote, to wit:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

ATTACHMENT 2

FOUR (4) ASSOCIATED
ENROLLMENT DOCUMENTS

**VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS)
ADOPTION AGREEMENT**

Plan Number: 8 03627

Select as applicable: Standalone RHS Integrated RHS Amendment to Existing Plan New Plan

I. Employer Name: Town of Corte Madera State: CA

II. The Employer hereby attests that it is a unit of a state or local government or an agency or instrumentality of one or more units of a state or local government.

III. Plan Dates:

A. Plan Effective Date January 1, 2016

B. Plan Year: Enter the annual accounting period for the RHS program. Calendar Year

IV. The Employer intends to utilize the Trust to fund only welfare benefits pursuant to the following welfare benefit plan(s) established by the Employer: _____

V. Eligible Groups, Participation and Participant Eligibility Requirements

A. Eligible Groups

The following group or groups of Employees are eligible to participate in the Employer's welfare benefits plan identified in Section IV. (check all applicable boxes):

- All Employees
- All Full-Time Employees
- Non-Union Employees
- Public Safety Employees – Police
- Public Safety Employees – Firefighters
- General Employees
- Collectively-Bargained Employees (Specify unit(s)) Corte Madera Fire Mid Management
- Other (specify group(s)) _____

The Employee group(s) specified must correspond to a group(s) of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other documents or provisions in effect in the state or locality of the Employer.

B. Participation

Mandatory Participation: All Employees in the covered group(s) are required to participate in the Plan and shall receive contributions pursuant to Section VI.

If the Employer's underlying welfare benefit plan is in whole or part a non-collectively bargained plan that allows reimbursement for medical expenses other than insurance premiums, the nondiscrimination requirements of Internal Revenue Code (IRC) Section 105(h) will apply. These rules may impose taxation on the benefits received by highly compensated individuals if the Plan discriminates in favor of highly compensated individuals in terms of eligibility or benefits. The Employer should discuss these rules with appropriate counsel.

C. Limits on Total Contributions (check one box)

The total contribution by the Employer on behalf of each Participant (including Direct Employer and Mandatory Employee Contributions) for each Plan Year shall not exceed the following limit(s) below. Limits on individual contribution types are defined within the appropriate section above.

- There is no Plan-defined limit on the percentage or dollar amount of earnings that may be contributed.
- ____ % of earnings
 Definition of earnings: Same as Section VI.A. Other
- \$ ____ for the Plan year.

VII. Vesting for Direct Employer Contributions

A. Vesting Schedule (check one box)

- The account is 100% vested at all times.
- The following vesting schedule shall apply to Direct Employer Contributions as outlined in Section VI.B.1.:

Years of Service Completed	Vesting Percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

B. The account will become 100% vested upon the death, disability, retirement*, or attainment of benefit eligibility (as outlined in Section IX) by a Participant.

*Definition of retirement includes a separation from service component and is further defined by (check one):

- The primary retirement plan of the Employer
- Separation from service
- Other _____

C. Any period of service by a Participant prior to a rehire of the Participant by the Employer shall not count toward the vesting schedule outlined in A above.

VIII. Forfeiture Provisions

If a Participant separates from service prior to full vesting, non-vested funds in the Participant's account shall be forfeited in accordance with the box checked under this section.

Upon the death of a participant, surviving spouse, and all surviving eligible dependents (as outlined in Section XI), funds remaining in the Participant's account shall be revert to the Trust in accordance with the box checked under this section.

If a Participant permanently opts out and waives future reimbursements, as allowed under IRS Notice 2013-54, all funds in the Participant's account at the time of waiver shall be forfeited in accordance with the box checked under this section.*

- Remain in the Trust to be reallocated among all remaining Employees participating in the Plan as Direct Employer Contributions for the next and succeeding contribution cycle(s).
- Remain in the Trust to be reallocated on an equal dollar basis among all Plan Participants.
- Remain in the Trust to be reallocated among all Plan Participants based upon Participant account balances.
- Revert to the Employer.

IX. Eligibility Requirements to Receive Medical Benefit Payments from the VantageCare Retirement Health Savings Program

A. A Participant is eligible to receive benefits:

- At retirement only (also complete Section B.)
Definition of retirement:
 - Same as Section VII.B.
 - Other

- At separation from service with the following restrictions
 - No restrictions
 - Other

B. Termination prior to general benefit eligibility: In case where the general benefit eligibility as outlined in Section IX.A includes a retirement component, a Participant who separates from service of the Employer prior to retirement will be eligible to receive benefits:

- Immediately upon separation from service
- Other

C. A Participant that becomes totally and permanently disabled

- as defined by the Social Security Administration
- as defined by the Employer's primary retirement plan
- other _____

will become immediately eligible to receive medical benefit payments from his/her account under the Employer's welfare benefits plan.

D. Upon the death of the Participant, benefits shall become payable as outlined in Section XI.

**If the Employer's RHS Program does not limit eligibility to participants who have separated from service, the employer will be required to provide further direction to ICMA-RC regarding the treatment of possible contributions that are required to be made following the participant's waiver.*

X. Permissible Medical Benefit Payments

Benefits eligible for reimbursement consist of:

- All Medical Expenses eligible under IRC Section 213 other than (i) direct long-term care expenses, and (ii) expenses for medicines or drugs which are not prescribed drugs (other than insulin).
- The following Medical Expenses eligible under IRC Section 213 other than (i) direct long-term care expenses, and (ii) expenses for medicines or drugs which are not prescribed drugs (other than insulin). Select only the expenses you wish to cover under the Employer's welfare benefits plan:
 - Medical Insurance Premiums
 - Medical Out-of-Pocket Expenses*
 - Medicare Part B Insurance Premiums
 - Medicare Part D Insurance Premiums
 - Medicare Supplemental Insurance Premiums
 - Prescription Drug Insurance Premiums
 - COBRA Insurance Premiums
 - Dental Insurance Premiums
 - Dental Out-of-Pocket Expenses*
 - Vision Insurance Premiums
 - Vision Out-of-Pocket Expenses*
 - Qualified Long-Term Care Insurance Premiums
 - Non-Prescription medications allowed under IRS guidance*
 - Other qualifying medical expenses (describe)*

** Non-collectively bargained plans that reimburse medical expenses other than insurance premiums should consult their benefits counsel regarding welfare plan nondiscrimination rules if the employer elects to make contributions based on a percentage of earnings.*

XI. Benefits After the Death of the Participant

In the event of a Participant's death, the following shall apply:

A. Surviving Spouse and/or Surviving Dependents

Upon the death of a participant, the surviving spouse and/or surviving eligible dependents (as defined in Section XII.D.) of the deceased Participant are immediately eligible to maintain the Participant's RHS account and utilizing the remaining balance to fund eligible medical benefits specified in Section X above.

Upon notification of a Participant's death, the Participant's account balance will be transferred into Dreyfus Cash Management fund** (or another fund selected by the Employer). The account balance may be reallocated by the surviving spouse or dependents.

*** An investment in the Dreyfus Cash Management money market fund is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Although the fund seeks to preserve the value of your investment at \$1.00 per share, it is possible to lose money by investing in the fund. Investors should consider the investment objectives, risks, charges, and expenses of the fund carefully before investing. You may visit us at www.icmarc.org or call 800-669-7400 to obtain a prospectus that contains this and other information about the fund. Read the prospectus carefully before investing.*

If a Participant's account balance has not been fully utilized upon the death of the eligible spouse, the account balance may continue to be utilized to pay benefits of eligible dependents. Upon the death of all eligible dependents, the account will revert in accordance with the Employer's election under Section VIII of the *VantageCare RHS Adoption Agreement*.

B. No Surviving Spouse or Surviving Dependents

If there are no living spouse or dependents at the time of death of the Participant, the account will revert in accordance with the Employer's election under Section VIII of the *VantageCare RHS Adoption Agreement*.

XII. The Plan will operate according to the following provisions:

A. Employer Responsibilities

1. The Employer will submit all VantageCare Retirement Health Savings Plan contribution data via electronic submission.
 2. The Employer will submit all VantageCare Retirement Health Savings Plan Participant status updates or personal information updates via electronic submission. This includes but is not limited to termination notification, benefit eligibility, and vesting notification.
- B.** Participant account administration and asset-based fees will be paid through the redemption of Participant account shares, unless agreed upon otherwise in the Administrative Services Agreement.
- C.** Assignment of benefits is not permitted. Benefits will be paid only to the Participant, his/her Survivors, the Employer, or an insurance provider (as allowed by the claims administrator). Payments to a third-party payee (e.g., medical service provider) are not permitted with the exception of reimbursement to the Employer or insurance provider (as allowed by the claims administrator).
- D.** An eligible dependent is (a) the Participant's lawful spouse, (b) the Participant's child under the age of 27, as defined by IRC Section 152(f)(1) and Internal Revenue Service Notice 2010-38, or (c) any other individual who is a person described in IRC Section 152(a), as clarified by Internal Revenue Service Notice 2004-79.
- E.** The Employer will be responsible for withholding, reporting and remitting any applicable taxes for payments which are deemed to be discriminatory under IRC Section 105(h), as outlined in the *VantageCare Retirement Health Savings Employer Manual*.

XIII. Employer Acknowledgements

- A.** The Employer hereby acknowledges it understands that failure to properly fill out this *VantageCare Retirement Health Savings Adoption Agreement* may result in the loss of tax exemption of the Trust and/or loss of tax-deferred status for Employer contributions.
- B.** Check this box if you are including supporting documents that include plan provisions.

EMPLOYER SIGNATURE

By: _____
Title: George T. Warman, Jr., Director of Administrative Services

Date: _____

Attest: _____
Title: Rebecca S. Vaughn, Town Clerk

Date: _____

**ADDENDUM
EMPLOYER VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN
ADOPTION AGREEMENT
Plan Number 803627**

Section VI. Contribution Sources and Amounts

4.B. Insurance Allowances

Retiree Medical and Hospital Insurance

- **Employees hired after December 31, 2012 – The Town’s retiree medical contribution shall be limited to the PERS Minimum Employer Contribution (MEC).**
- **In addition to the MEC, the Town shall make the contributions to a Retirement Health Savings Account (RHSA) in accordance with the table below for employees hired after December 31, 2012.**

<u>Years of Service</u>	<u>Town Contribution</u>
0 – Completion of Probation	No contribution
Completion of Probation	4.0% of Fire Engineer/Paramedic

- **The Town shall make its required contribution during the month of January each year.**
- **The Town’s contribution shall only be made to employees who are employed on the date the contribution is made.**
- **The Town’s contribution shall be prorated for employees who have not completed the entire year.**



VantageCare Retirement Health Savings Program Implementation Data Form – Page 1 of 3

Instructions to Employer: Provide necessary information to establish your plan properly.
Please contact your New Business Analyst at 800-326-7272, if you have any questions.

ICMA-RC Use Only: Employer # 803627

General Information	<p>1. (902) Employer's Full Name: <u>Town of Corte Madera</u></p> <p>2. (924) Street Address: <u>300 Tamalpais Drive</u> (925) _____</p> <p>3. (918) City: <u>Corte Madera</u> (919) State: <u>CA</u> (920) Zip Code: <u>94925</u></p> <p>4. (633) Primary Contact: <u>George T. Warman, Jr.</u></p> <p>5. (634) Primary Contact Title: <u>Director of Administrative Services</u></p> <p>6. (631) Primary Contact Telephone #: () <u>(415) 927-5054</u></p> <p>7. (632) Fax #: () <u>(415) 927-5087</u></p> <p>8. (PT00) E-mail Address: <u>gwarman@tcmmail.org</u> <i>This email will be used to provide an electronic copy of your plan summary.</i></p> <p>9. (882) Employer's Federal Tax Identification Number: <u>94-6001432</u></p> <p>10. # of Employees: <u>45</u> 11. # of Employees Eligible for Plan Participation: <u>4</u></p> <p>12. # of Employees Eligible to Receive Medical Benefits upon plan implementation: <u>None</u></p>															
Plan Implementation Information	<p>13. (611) Contribution Information: (Note: * = default)</p> <p>a. Frequency: (check one):</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> (0) Bi-weekly*</td> <td><input type="checkbox"/> (4) Monthly</td> <td><input type="checkbox"/> (8) Semi-quarterly</td> </tr> <tr> <td><input type="checkbox"/> (1) Weekly</td> <td><input type="checkbox"/> (5) Semi-Monthly</td> <td><input type="checkbox"/> (9) Bi-annually</td> </tr> <tr> <td><input type="checkbox"/> (2) Semi-weekly</td> <td><input type="checkbox"/> (6) Bi-quarterly</td> <td><input type="checkbox"/> (10) Annually</td> </tr> <tr> <td><input type="checkbox"/> (3) Bi-monthly</td> <td><input type="checkbox"/> (7) Quarterly</td> <td><input type="checkbox"/> (11) Semi-annually</td> </tr> <tr> <td colspan="3"><input type="checkbox"/> () Other: _____</td> </tr> </table> <p>b. Deposit Medium: (624) <input type="checkbox"/> Check * <input type="checkbox"/> Wire <input type="checkbox"/> EFT</p> <p>c. Data Medium: EZLink Required to participate in RHS Plan</p> <p>d. First Contribution Date Following Implementation: <u>January 2017</u></p>	<input type="checkbox"/> (0) Bi-weekly*	<input type="checkbox"/> (4) Monthly	<input type="checkbox"/> (8) Semi-quarterly	<input type="checkbox"/> (1) Weekly	<input type="checkbox"/> (5) Semi-Monthly	<input type="checkbox"/> (9) Bi-annually	<input type="checkbox"/> (2) Semi-weekly	<input type="checkbox"/> (6) Bi-quarterly	<input type="checkbox"/> (10) Annually	<input type="checkbox"/> (3) Bi-monthly	<input type="checkbox"/> (7) Quarterly	<input type="checkbox"/> (11) Semi-annually	<input type="checkbox"/> () Other: _____		
<input type="checkbox"/> (0) Bi-weekly*	<input type="checkbox"/> (4) Monthly	<input type="checkbox"/> (8) Semi-quarterly														
<input type="checkbox"/> (1) Weekly	<input type="checkbox"/> (5) Semi-Monthly	<input type="checkbox"/> (9) Bi-annually														
<input type="checkbox"/> (2) Semi-weekly	<input type="checkbox"/> (6) Bi-quarterly	<input type="checkbox"/> (10) Annually														
<input type="checkbox"/> (3) Bi-monthly	<input type="checkbox"/> (7) Quarterly	<input type="checkbox"/> (11) Semi-annually														
<input type="checkbox"/> () Other: _____																



VantageCare Retirement Health Savings Program Implementation Data Form – Page 2 of 3

<p>Default Investment Option</p>	<p>The default fund will be used if a participant does not provide valid allocation instructions.</p> <p>If you do not make an election in this section, the Milestone Fund with the target date closest to a participant's 60th birthday will be used as your plan's default option.</p> <p>You may select the "Alternative Default" option if you would like to use a fund (or funds) other than the Milestone Funds as your plan's default option. Please see ICMARC's Standard Plan Fund Lineup at www.icmarc.org to complete this section.</p> <p>Note: Prior to selecting the "Alternative Default" option, employers should carefully review the Department of Labor's final regulations on qualified default investment alternatives (QDIAs). More information is available online at www.dol.gov or www.icmarc.org/ppa.</p> <p>Default Fund for Investment Allocations (Select one option):</p> <p><input checked="" type="checkbox"/> The Milestone Funds (Default) with a target retirement age of:</p> <p style="padding-left: 20px;"><input checked="" type="checkbox"/> Age 60 (Default)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Age _____ (Input the Target Retirement Age to be used for your plan)</p> <p><input type="checkbox"/> Alternative Default _____</p> <p style="padding-left: 20px;">(Input the fund name that will be used as the plan's default investment option)</p>
<p>Claims Contact Information</p> <p>Please indicate alternate addresses in Comments Section</p>	<p>If item #14-17 and 19 are left blank, the Primary Contact in #4 will receive mailings. Complete item #18.</p> <p>14. PT01 Contact Signature: _____</p> <p>(200) Contact Name: <u>Jonna Intoschi, jintoschi@comcast.net</u></p> <p>(210) Contact Title: <u>Financial Analyst II</u></p> <p>(420) Telephone: () <u>(415) 927-5055</u> (421) Fax: () <u>(415) 927-5087</u></p> <p>15. PT08 Contact Signature: _____</p> <p>(200) Contact Name: _____</p> <p>(210) Contact Title: _____</p> <p>(420) Telephone: () _____ (421) Fax: () _____</p> <p>16. PT09 Contact Signature: _____</p> <p>(200) Contact Name: _____</p> <p>(210) Contact Title: _____</p> <p>(420) Telephone: () _____ (421) Fax: () _____</p>
<p>Contribution Contact Information</p>	<p>17. PT02 (200) Contact Name: <u>Jonna Intoschi jintoschi@tcmmail.org</u></p> <p>(210) Contact Title: <u>Financial Analyst II</u></p> <p>(420) Telephone: () <u>(415) 927-5055</u> (421) Fax: () <u>(415) 927-5087</u></p>



VantageCare Retirement Health Savings Program Implementation Data Form – Page 3 of 3

Trustee Contact Information	18. PT10 (200) Trustee Name: <u>Town of Corte Madera</u> (210) Trustee Title: <u>Director of Administrative Services</u> (215) Trustee: <u>George T. Warman, Jr.</u> (310) Trustee Address: _____ (305) Street <u>300 Tamalpais Drive</u> (320) City <u>Corte Madera</u> (325) State <u>CA</u> (330) Zip <u>94925</u> (401) Y/N _____ (402) Y/N _____ (420) Telephone: (<u> </u>) <u>(415) 927-5054</u> (421) Fax: (<u>415</u>) <u>927-5087</u>
Billing (Fees) Contact Information	19. PT06 (200) Contact Name: <u>Jonna Intoschi jintoschi@tcnmail.org</u> (210) Contact Title: <u>Financial Analyst II</u> (420) Telephone: (<u> </u>) <u>(415) 927-5055</u> (421) Fax: (<u>415</u>) <u>927-5087</u>
Comments: (Alternate Addresses for #14-19)	
Internal Use Only	641 _____ 912 _____ 608 _____ 074 _____

ADMINISTRATIVE SERVICES AGREEMENT

Between

ICMA Retirement Corporation

and

Town of Corte Madera Fire Mid Management

Type: VantageCare RHS

Account Number: 803627

ADMINISTRATIVE SERVICES AGREEMENT

This Agreement, made as of the 1ST day of JANUARY, 20 17 (herein referred to as the "Inception Date"), between The International City Management Association Retirement Corporation ("ICMA-RC"), a nonprofit corporation organized and existing under the laws of the State of Delaware; and the Town of Corte Madera Fire Mid Management ("Employer") a local governmental instrumentality organized and existing under the laws of the State of California with an office at 300 Tamalpais Drive, Corte Madera, California 94925.

RECITALS

Employer acts as a public plan sponsor for a retiree health plan with responsibility to obtain investment alternatives and services for employees participating in that plan;

Employer desires to make the VantageCare Retirement Health Savings ("RHS") Program provided by ICMA-RC available to its employees through the Employer's integral part trust ("Trust") and the Employer's welfare benefits plan ("Plan");

ICMA-RC acts as investment adviser to VantageTrust Company, LLC ("VTC"), the Trustee of VantageTrust II Multiple Collective Investment Funds Trust ("VantageTrust II");

VantageTrust II is a group trust established and maintained in accordance with New Hampshire Revised Statutes Annotated section 391:1 and Internal Revenue Service Revenue Rulings 81-100 and 2011-1, which provides for the collective investment and reinvestment of assets of certain tax-exempt, governmental pension and profit sharing plans, and retiree welfare plans, and other eligible investors;

VTC makes a series of separate funds (the "VT II Funds") available through VantageTrust II for the investment of plan assets as referenced in VantageTrust II's Declaration of Trust and Disclosure Memorandum ("Disclosure Materials");

VTC is a wholly owned subsidiary of ICMA-RC and has exclusive management and investment authority with respect to the VT II Funds;

The VT II Funds are available only through adoption of VantageTrust II; and

In addition to serving as investment adviser to VTC, ICMA-RC provides a complete offering of services to public employers for the operation of employee retirement and retiree health savings plans including, but not limited to, communications concerning investment alternatives, account maintenance, account record-keeping, investment and tax reporting, form processing, benefit disbursement and asset management.

AGREEMENTS

1. Acceptance of RHS Program

Employer agrees to make the RHS Program provided by ICMA-RC available to its employees. The details of the RHS Program shall be as mutually agreed between the Employer and ICMA-RC, and in general shall be as set forth in the RHS Program materials developed by ICMA-RC and provided to Employer. The RHS Program materials are hereby incorporated by reference and made a part of this Agreement, except that Employer and ICMA-RC may from time to time mutually agree in writing to terms that vary from the RHS Program materials. RHS Program materials shall include the *VantageCare RHS Employer Manual*, available electronically through the EZ Link System upon adoption of the RHS Program.

The functions to be performed by ICMA-RC and its agents include:

- (a) allocation in accordance with participant direction of individual accounts to investment funds ("Funds") made available to Plan participants;
- (b) maintenance of individual accounts for participants reflecting amounts contributed, income, gain, or loss credited, and amounts disbursed as benefits;
- (c) provision of periodic reports to the Employer and participants of the status of Plan investments and individual accounts;
- (d) communication to participants of information regarding their rights and elections under the Plan;
- (e) disbursement of benefits as agent for the Employer in accordance with terms of the Plan; and
- (f) performance of tax withholding and reporting in conjunction with the Employer for each RHS account.

2. Employer Duty to Furnish Information

Employer agrees to furnish to ICMA-RC on a timely basis such information as is necessary for ICMA-RC to carry out its responsibilities with respect to the Plan, including information needed to allocate individual participant accounts to Funds, and information as to the benefit eligibility and employment status of participants, and participants' ages, addresses, dependents, spouses and other identifying information (including tax identification numbers). Employer also agrees that it will notify ICMA-RC in a timely manner regarding changes in staff as it relates to various roles. This is to be completed through the online EZLink employer contact options. ICMA-RC shall be entitled to rely upon the accuracy of any information that is furnished to it by a responsible official of the Employer or any information relating to an individual participant, spouse or dependent that is furnished by such participant, spouse or dependent, and ICMA-RC shall not be responsible for any error arising from its reliance on such information. ICMA-RC

will provide reports, statements and account information to the Employer through EZLink, the online plan administrative tool.

3. ICMA-RC Representations and Warranties

ICMA-RC represents and warrants to Employer that:

- (a) ICMA-RC is a non-profit corporation with full power and authority to enter into this Agreement and to perform its obligations under this Agreement.
- (b) ICMA-RC is an investment adviser registered as such with the Securities and Exchange Commission under the Investment Advisers Act of 1940, as amended..

4. Employer Representations and Warranties

Employer represents and warrants to ICMA-RC that:

- (a) Employer is organized in the form and manner recited in the opening paragraph of this Agreement with full power and authority to enter into and perform its obligations under this Agreement and to act for the Plan and participants in the manner contemplated in this Agreement. Execution, delivery, and performance of this Agreement will not conflict with any law, rule, regulation or contract by which the Employer is bound or to which it is a party.
- (b) Information required to be retained by the Employer shall be set forth in the RHS Program materials developed by ICMA-RC and provided to the Employer.
- (c) Employer is responsible for determining that there are no state or local laws that would prohibit it from establishing the RHS Program. Employer is also responsible for determining that the investments selected for the Plan fall within state or local requirements. ICMA-RC shall not be responsible for monitoring state or local law or for administering the Plan in compliance with local or state requirements unless Employer notifies ICMA-RC of any such local or state requirements.
- (d) Employer acknowledges that the RHS Plan is a “health plan” for Health Insurance Portability and Accountability Act (“HIPAA”) purposes and therefore is subject to HIPAA privacy rules. Employer also acknowledges that the RHS Plan is a Health Reimbursement Arrangement, subject to applicable provisions of the Affordable Care Act (“ACA”). An employer sponsoring the Plan is responsible for complying with the HIPAA privacy and security rules with respect to all protected health information created, maintained, received, or transmitted in relation to the Plan and is responsible for complying with the ACA.
- (e) Employer acknowledges that certain such services to be performed by ICMA-RC under this Agreement may be performed by an affiliate or agent of ICMA-RC pursuant to one

or more other contractual arrangements or relationships, and that ICMA-RC reserves the right to change vendors with which it has contracted to provide services in connection with this Agreement without prior notice to Employer.

- (f) Employer acknowledges and agrees that ICMA-RC does not assume any responsibility with respect to the selection or retention of the Plan's investment options. Employer shall have exclusive responsibility for the selection and retention of the Plan's investment options, including the selection of the applicable mutual fund share class.
- (g) To the extent the Funds in the Plan's investment lineup include VT II Funds, Employer confirms that it has executed a Participation Agreement for VantageTrust II and acknowledges that it has received the Disclosure Materials.

5. Participation in Certain Proceedings

The Employer hereby authorizes ICMA-RC to act as agent, to appear on its behalf, and to join the Employer as a necessary party in all legal proceedings regarding the Plan involving the garnishment of benefits or the transfer of benefits pursuant to a medical child support order. Unless Employer notifies ICMA-RC otherwise, Employer authorizes ICMA-RC to determine whether disbursement of benefits to a spouse or child pursuant to a medical child support order is appropriate.

6. Compensation and Payment

Absent an explicit agreement to the contrary between ICMA-RC and Employer, participant fees and expenses shall be payable from RHS assets, in accordance with the requirements of the RHS Program as set forth below.

- (a) *For RHS assets in the VT II Funds*
 - (i) Asset-based fees will be included in the daily unit value of each VT II Fund; and
 - (ii) No separate asset-based fees will be assessed.
- (b) *For assets in Funds other than the VT II Funds*, an annual asset fee of 0.30% (30 basis points) will be charged on a quarterly basis, based on the balance in the account on the last day of the previous quarter.
- (c) A \$ 25 annual account administration fee will be charged quarterly to each Accountholder's account.
- (d) Asset-based fees and the annual account administration fee are subject to change with appropriate prior notification.
- (e) **Compensation for Advisory and other Services to The Vantagepoint Funds.** Employer acknowledges that certain wholly-owned subsidiaries of ICMA-RC

receive compensation from The Vantagepoint Funds for advisory and other services furnished to The Vantagepoint Funds, a series of no-load, diversified mutual funds. The Vantagepoint Funds serve as the underlying funds to certain VT II Funds, and ICMA-RC makes available The Vantagepoint Funds for investment of public employer plan assets, including RHS Plan assets. The fees referred to in this subsection are disclosed in The Vantagepoint Funds Prospectus and Statement of Additional Information.

7. Contribution Remittance

Employer understands that amounts contributed to the Plan are to be remitted directly to Vantagepoint Transfer Agents in accordance with instructions provided to Employer in the RHS Program materials and are not to be remitted to the ICMA Retirement Trust or ICMA-RC. In the event that any check or wire transfer is incorrectly labeled or transferred, ICMA-RC will return it to Employer with proper instructions.

8. Responsibility

- (a) ICMA-RC shall not be responsible for any acts or omissions of any person with respect to the Plan, or related Trust, other than ICMA-RC in connection with the administration or operation of the Plan or related Trust.
- (b) The Employer understands that, as a general matter, the Internal Revenue Service (“IRS”) may decline to rule on certain design features or provisions that the Employer may request to have added to the RHS Program materials. The Employer agrees to hold ICMA-RC harmless in connection with the addition and administration of any Plan feature or provision requested by the Employer for which the IRS will not provide express interpretive guidance.

9. Indemnification

Employer shall indemnify ICMA-RC against, and hold ICMA-RC harmless from, any and all loss, damage, penalty, liability, cost, and expense, including without limitation, reasonable attorney’s fees, that may be incurred by, imposed upon, or asserted against ICMA-RC by reason of any claim, regulatory proceeding, or litigation arising from any act done or omitted to be done by any individual or person with respect to the Plan or related Trust, excepting only any and all loss, damage, penalty, liability, cost or expense resulting from ICMA-RC’s negligence, bad faith, or willful misconduct.

10. Term

This Agreement shall be in effect for an initial term beginning on the Inception Date and ending 5 years after the Inception Date. This Agreement will be renewed automatically for each succeeding year unless written notice of termination is provided by either party to the other no less than 60 days before the end of such Agreement year.

11 Amendments and Adjustments

- (a) This Agreement may be amended by written instrument signed by the parties.
- (b) The parties agree that only an adjustment to compensation or administrative and operational services under this Agreement may be implemented by ICMA-RC through a proposal to the Employer via correspondence or the Employer Bulletin. The Employer will be given at least 60 days to review the proposal before the effective date of the adjustment. Such adjustment shall become effective unless, within the 60 day period before the effective date, the Employer notifies ICMA-RC in writing that it does not accept such adjustment, in which event the parties will negotiate with respect to the adjustment.
- (c) No failure to exercise and no delay in exercising any right, remedy, power or privilege hereunder shall operate as a waiver of such right, remedy, power or privilege.

12. Notices

All notices required to be delivered under this Agreement shall be delivered personally or by registered or certified mail, postage prepaid, return receipt requested, to (i) Legal Department, ICMA Retirement Corporation, 777 North Capitol Street, N.E., Suite 600, Washington, D.C, 20002-4240; (ii) Employer at the office set forth in the first paragraph hereof, or to any other address designated by the party to receive the same by written notice similarly given.

13 Complete Agreement

This Agreement shall constitute the sole agreement between ICMA-RC and Employer relating to the object of this Agreement and correctly sets forth the complete rights, duties and obligations of each party to the other as of its date. Any prior agreements, promises, negotiations or representations, verbal or otherwise, not expressly set forth in this Agreement are of no force and effect.

14. Governing Law

This agreement shall be governed by and construed in accordance with the laws of the State of California applicable to contracts made in that jurisdiction without reference to its conflicts of laws provisions.

In Witness Whereof, the parties hereto have executed this Agreement as of the Inception Date first above written.

CITY OF CORTE MADERA FIRE
MID MANAGEMENT

By _____
Signature/Date

GEORGE T. WARMAN, JR.
By DIRECTOR OF ADMINISTRATIVE SERVICES
Name and Title (Please Print)

INTERNATIONAL CITY
MANAGEMENT ASSOCIATION
RETIREMENT CORPORATION


By _____
Erica McFarquhar
Assistant Secretary



EZLINK ACCESS FORM — PAGE 1 OF 2

Plan Name: Town of Corte Madera Fire Mid Management - RHSA
Plan Number(s): 803627

(All plan numbers must be listed to avoid processing delays.)

1
Primary Contact Information

Primary Contact Name: George T. Warman, Jr.
Primary Contact Title: Director of Adminstrative Services
Email Address: gwarman@tcmmail.org
Daytime Phone Number: (415) 927 - 5054

2
EZLink User Information

Select One: Add New User ID Update User ID Remove User ID
Name: George T. Warman, Jr.
Title: Director of Administrative Services
Email Address: gwarman@tcmmail.org
Daytime Phone Number: (415) 927 - 5054

Access Options (You must select either yes or no for each access option):

Balance Inquiry Yes No File Transfer Yes No
Enrollments/Rehire Yes No Participant Data Transfers Yes No
Participant Changes Yes No

Select One: Add New User ID Update User ID C462OUSR1 Remove User ID
Name: Jonna Intoschi
Title: Financial Analyst II
Email Address: jintoschi@tcmmail.org
Daytime Phone Number: (415) 927 - 5055

Access Options (You must select either yes or no for each access option):

Balance Inquiry Yes No File Transfer Yes No
Enrollments/Rehire Yes No Participant Data Transfers Yes No
Participant Changes Yes No

Select One: Add New User ID Update User ID Remove User ID
Name: _____
Title: _____
Email Address: _____
Daytime Phone Number: (_____) _____ - _____

Access Options (You must select either yes or no for each access option):

Balance Inquiry Yes No File Transfer Yes No
Enrollments/Rehire Yes No Participant Data Transfers Yes No
Participant Changes Yes No



EZLINK ACCESS FORM — PAGE 2 OF 2

3 EZLink User Information (continued)

Select One: Add New User ID Update User ID _____ Remove User ID

Name: _____

Title: _____

Email Address: _____

Daytime Phone Number: (____) _____ - _____

Access Options (You must select either yes or no for each access option):

Balance Inquiry	<input type="checkbox"/> Yes	<input type="checkbox"/> No	File Transfer	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Enrollments/Rehire	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Participant Data Transfers	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Participant Changes	<input type="checkbox"/> Yes	<input type="checkbox"/> No			

Select One: Add New User ID Update User ID _____ Remove User ID

Name: _____

Title: _____

Email Address: _____

Daytime Phone Number: (____) _____ - _____

Access Options (You must select either yes or no for each access option):

Balance Inquiry	<input type="checkbox"/> Yes	<input type="checkbox"/> No	File Transfer	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Enrollments/Rehire	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Participant Data Transfers	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Participant Changes	<input type="checkbox"/> Yes	<input type="checkbox"/> No			

4 Primary Contact Approval

ICMA-RC considers participant information to be highly confidential, and we go to great lengths to avoid breaching that confidentiality. For this reason, ICMA-RC cannot be responsible for (i) negligent or intentional misuse of the password by the municipality's officers, employees, agents or contractors, (ii) a breach of confidentiality that may occur as a result of such negligent or intentional misuse of the password, or (iii) a breach of confidentiality that may occur as a proximate result of the municipality's access to the participant database. If the municipality uses EZLink online transaction processing, please remember to review all financial information you have entered for your participants, as ICMA-RC is not responsible for incorrect data transmitted by the municipality. ICMA-RC recommends that you encourage all participants to review confirmations for accuracy. **EZLink User IDs that have not been used within a consecutive eighteen month period will be systematically deleted to further protect the security of your plan and participant data.**

ICMA-RC's website is normally available 24 hours a day, seven days a week. However, service availability is not guaranteed. Neither ICMA-RC or its affiliates, the Vantage Trust Company, nor The Vantagepoint Funds will be responsible for any loss (or forgone gain) you may incur as a result of service being unavailable.

Please signify your agreement to these terms by signing in the space indicated below. We will provide you with User ID(s) and Password(s) to begin using EZLink. Should you have questions, please call our EZLink Team at 1-800-326-7272.

Agreed: _____ Date: _____

Print your name: George T. Warman, Jr.

For ICMA-RC Internal Use Only:

EZLink Primary _____	NBS _____	EZLink QA _____	Data Security _____
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This material has been reviewed
by the Town Manager

CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: April 14, 2016
Meeting Date: May 3, 2016

TO: TOWN MANAGER, MAYOR AND TOWN COUNCIL
FROM: GEORGE T. WARMAN, JR., DIRECTOR OF ADMINISTRATIVE SERVICES/
TOWN TREASURER
SUBJECT: ADOPTION OF PROPOSED RESOLUTION NO. 12/2016 ADOPTING THE
ICMA RETIREMENT CORPORATION'S VANTAGECARE RETIREMENT
HEALTH SAVINGS (RHS) PLAN NUMBER 803628 – TOWN OF CORTE
MADERA MID MANAGEMENT

PURPOSE:

To approve becoming a member of the ICMA Retirement Corporation's VantageCare Retirement Health Savings Plan for employees hired after August 1, 2011 for the Town of Corte Madera Mid-Management, collective bargaining group.

RECOMMENDATION:

Staff recommends that the Town Council adopt proposed Resolution No. 12/2016 in Attachment #1.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA,
CALIFORNIA, ADOPTING THE ICMA RETIREMENT CORPORATION'S
VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS)
PLAN NUMBER 803628 –
TOWN OF CORTE MADERA MID-MANAGEMENT**

OPTIONS:

This action would implement Section 10 Retiree Medical (new employees hired after August 1, 2011) of Town of Corte Madera Mid-Management Salary Resolution No. 46/2015 adopted by the Town Council on December 1, 2015.

TOWN MANAGER'S RECOMMENDATION:

Support Staff's recommendation.

GENERAL PLAN:

Not applicable.

ENVIRONMENTAL IMPACT:

Not applicable.

FISCAL IMPACTS:

Three employees in this group will qualify for a partial yearly payment in 2017. Another three will qualify for a partial yearly payment in 2018. None of the other six employees in this grouping are affected by this benefit.

DISCUSSION:

In early 2011, Staff and the Town Council addressed the increasing cost of retiree health insurance by beginning the implementation of changes to the five (5) collective bargaining groups retiree health insurance provisions to reduce the “Other Post Employment Benefit (OPEB)” liability and the “Annual Required Contribution (ARC)” to fund retiree health insurance. The SEIU collective bargaining group was the first of the five groups to accept the changes. The SEIU Retirement Savings Plan Number 803431 with the International City Management Association Retirement Corporation (ICMA-RC) was approved by Resolution No. 01/2015 on January 6, 2015.

The documents in this report are based on the SEIU Retirement Savings Plan.



George T. Warman, Jr.
Director of Administrative Services/
Town Treasurer

ATTACHMENTS:

1. Proposed Resolution No. 12/2016
2. Four (4) Associated Enrollment Documents

ATTACHMENT 1

PROPOSED RESOLUTION
NO. 12/2016

RESOLUTION NO. 12/2016

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA,
CALIFORNIA, ADOPTING THE ICMA RETIREMENT CORPORATION'S
VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS)
PLAN NUMBER 803628 –
TOWN OF CORTE MADERA MID-MANAGEMENT**

WHEREAS, the Town of Corte Madera (the “Employer”) has employees rendering valuable services;
and

WHEREAS, the establishment of a retiree health savings plan for such employees serves the interests
of the Employer by enabling it to provide reasonable security regarding such employees’
health needs during retirement, by providing increased flexibility in its personnel
management system, and by assisting in the attraction and retention of competent
personnel; and

WHEREAS, the Employer has determined that the establishment of the retiree health savings plan (the
“Plan”) serves the above objectives.

NOW, THEREFORE BE IT RESOLVED, that the Employer hereby adopts the Plan in the form of
the ICMA Retirement Corporation’s VantageCare Retirement Health Savings program.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the ICMA
Retirement Corporation serving as trustee for the exclusive benefit of the Plan
participants and their survivors, and the assets of the Plan shall not be diverted to any
other purpose prior to the satisfaction of all liabilities of the Plan. The Employer has
executed the Declaration of Trust in the form of the model trust made available by the
ICMA Retirement Corporation.

BE IT FURTHER RESOLVED that the Director of Administrative Services shall be the coordinator
and contact for the Plan and shall receive necessary reports, notices, etc.

* * * * *

I HEREBY CERTIFY, that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on 3rd day of May, 2016 by the following vote, to wit:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

ATTACHMENT 2

FOUR (4) ASSOCIATED
ENROLLMENT DOCUMENTS

**VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS)
ADOPTION AGREEMENT**

Plan Number: 8 03628

Select as applicable: Standalone RHS Integrated RHS Amendment to Existing Plan New Plan

I. **Employer Name:** Town of Corte Madera State: CA

II. **The Employer hereby attests that it is a unit of a state or local government or an agency or instrumentality of one or more units of a state or local government.**

III. **Plan Dates:**

A. **Plan Effective Date** January 1, 2016

B. **Plan Year:** Enter the annual accounting period for the RHS program. Calendar Year

IV. **The Employer intends to utilize the Trust to fund only welfare benefits pursuant to the following welfare benefit plan(s) established by the Employer:** Retiree Health Insurance

V. **Eligible Groups, Participation and Participant Eligibility Requirements**

A. **Eligible Groups**

The following group or groups of Employees are eligible to participate in the Employer's welfare benefits plan identified in Section IV. (check all applicable boxes):

- All Employees
- All Full-Time Employees
- Non-Union Employees
- Public Safety Employees – Police
- Public Safety Employees – Firefighters
- General Employees
- Collectively-Bargained Employees (Specify unit(s)) Corte Madera Mid-Management
- Other (specify group(s)) _____

The Employee group(s) specified must correspond to a group(s) of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other documents or provisions in effect in the state or locality of the Employer.

B. **Participation**

Mandatory Participation: All Employees in the covered group(s) are required to participate in the Plan and shall receive contributions pursuant to Section VI.

If the Employer's underlying welfare benefit plan is in whole or part a non-collectively bargained plan that allows reimbursement for medical expenses other than insurance premiums, the nondiscrimination requirements of Internal Revenue Code (IRC) Section 105(h) will apply. These rules may impose taxation on the benefits received by highly compensated individuals if the Plan discriminates in favor of highly compensated individuals in terms of eligibility or benefits. The Employer should discuss these rules with appropriate counsel.

C. Participant Eligibility Requirements

1. Minimum service: The minimum period of service required for participation is 3 yrs (write N/A if no minimum service is required).
2. Minimum age: The minimum age required for eligibility to participate is N/A (write N/A if no minimum age is required).

VI. Contribution Sources and Amounts

A. Definition of Earnings

The definition of Earnings will apply to all RHS Contribution Features that reference "Earnings", including Direct Employer Contributions (Section VI.B.1.) and Mandatory Employee Compensation Contributions (Section VI.B.2.).

Definition of earnings: Direct Employer Contributions

B. Direct Employer Contributions and Mandatory Contributions

1. Direct Employer Contributions

The Employer shall contribute on behalf of each Participant

- _____ % of Earnings*
- \$ _____ each Plan Year
- A discretionary amount to be determined each Plan Year
- Other (describe): See attached Addendum

2. Mandatory Employee Compensation Contributions

The Employer will make mandatory contributions of Employee compensation as follows:

- Reduction in Salary - _____ % of Earnings or \$ _____ will be contributed for the Plan Year.
- Decreased Merit or Pay Plan Adjustment - All or a portion of the Employees' annual merit or pay plan adjustment will be contributed as follows:

An Employee shall not have the right to discontinue or vary the rate of Mandatory Contributions of Employee Compensation.

3. Mandatory Employee Leave Contributions

The Employer will make mandatory contributions of accrued leave as follows (provide formula for determining Mandatory Employee Leave contributions):

- Accrued Sick Leave _____
- Accrued Vacation Leave _____
- Other (specify type of leave) Accrued _____ Leave

An Employee shall not have the right to discontinue or vary the rate of mandatory leave contributions.

** Non-collectively bargained plans that reimburse medical expenses other than insurance premiums should consult their benefits counsel regarding welfare plan nondiscrimination rules if the employer elects to make contributions based on a percentage of earnings.*

C. Limits on Total Contributions (check one box)

The total contribution by the Employer on behalf of each Participant (including Direct Employer and Mandatory Employee Contributions) for each Plan Year shall not exceed the following limit(s) below. Limits on individual contribution types are defined within the appropriate section above.

- There is no Plan-defined limit on the percentage or dollar amount of earnings that may be contributed.
- ____ % of earnings
 Definition of earnings: Same as Section VI.A. Other
- \$ ____ for the Plan year.

VII. Vesting for Direct Employer Contributions

A. Vesting Schedule (check one box)

- The account is 100% vested at all times.
- The following vesting schedule shall apply to Direct Employer Contributions as outlined in Section VI.B.1.:

Years of Service Completed	Vesting Percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

B. The account will become 100% vested upon the death, disability, retirement*, or attainment of benefit eligibility (as outlined in Section IX) by a Participant.

*Definition of retirement includes a separation from service component and is further defined by (check one):

- The primary retirement plan of the Employer
- Separation from service
- Other _____

C. Any period of service by a Participant prior to a rehire of the Participant by the Employer shall not count toward the vesting schedule outlined in A above.

VIII. Forfeiture Provisions

If a Participant separates from service prior to full vesting, non-vested funds in the Participant's account shall be forfeited in accordance with the box checked under this section.

Upon the death of a participant, surviving spouse, and all surviving eligible dependents (as outlined in Section XI), funds remaining in the Participant's account shall be revert to the Trust in accordance with the box checked under this section.

If a Participant permanently opts out and waives future reimbursements, as allowed under IRS Notice 2013-54, all funds in the Participant's account at the time of waiver shall be forfeited in accordance with the box checked under this section.*

- Remain in the Trust to be reallocated among all remaining Employees participating in the Plan as Direct Employer Contributions for the next and succeeding contribution cycle(s).
- Remain in the Trust to be reallocated on an equal dollar basis among all Plan Participants.
- Remain in the Trust to be reallocated among all Plan Participants based upon Participant account balances.
- Revert to the Employer.

IX. Eligibility Requirements to Receive Medical Benefit Payments from the VantageCare Retirement Health Savings Program

A. A Participant is eligible to receive benefits:

- At retirement only (also complete Section B.)
Definition of retirement:
 - Same as Section VII.B.
 - Other _____
- At separation from service with the following restrictions
 - No restrictions
 - Other _____

B. Termination prior to general benefit eligibility: In case where the general benefit eligibility as outlined in Section IX.A includes a retirement component, a Participant who separates from service of the Employer prior to retirement will be eligible to receive benefits:

- Immediately upon separation from service
- Other _____

C. A Participant that becomes totally and permanently disabled

- as defined by the Social Security Administration
- as defined by the Employer's primary retirement plan
- other _____

will become immediately eligible to receive medical benefit payments from his/her account under the Employer's welfare benefits plan.

D. Upon the death of the Participant, benefits shall become payable as outlined in Section XI.

**If the Employer's RHS Program does not limit eligibility to participants who have separated from service, the employer will be required to provide further direction to ICMA-RC regarding the treatment of possible contributions that are required to be made following the participant's waiver.*

X. Permissible Medical Benefit Payments

Benefits eligible for reimbursement consist of:

- All Medical Expenses eligible under IRC Section 213 other than (i) direct long-term care expenses, and (ii) expenses for medicines or drugs which are not prescribed drugs (other than insulin).
- The following Medical Expenses eligible under IRC Section 213 other than (i) direct long-term care expenses, and (ii) expenses for medicines or drugs which are not prescribed drugs (other than insulin). Select only the expenses you wish to cover under the Employer's welfare benefits plan:
 - Medical Insurance Premiums
 - Medical Out-of-Pocket Expenses*
 - Medicare Part B Insurance Premiums
 - Medicare Part D Insurance Premiums
 - Medicare Supplemental Insurance Premiums
 - Prescription Drug Insurance Premiums
 - COBRA Insurance Premiums
 - Dental Insurance Premiums
 - Dental Out-of-Pocket Expenses*
 - Vision Insurance Premiums
 - Vision Out-of-Pocket Expenses*
 - Qualified Long-Term Care Insurance Premiums
 - Non-Prescription medications allowed under IRS guidance*
 - Other qualifying medical expenses (describe)*

* *Non-collectively bargained plans that reimburse medical expenses other than insurance premiums should consult their benefits counsel regarding welfare plan nondiscrimination rules if the employer elects to make contributions based on a percentage of earnings.*

XI. Benefits After the Death of the Participant

In the event of a Participant's death, the following shall apply:

A. Surviving Spouse and/or Surviving Dependents

Upon the death of a participant, the surviving spouse and/or surviving eligible dependents (as defined in Section XII.D) of the deceased Participant are immediately eligible to maintain the Participant's RHS account and utilizing the remaining balance to fund eligible medical benefits specified in Section X above.

Upon notification of a Participant's death, the Participant's account balance will be transferred into Dreyfus Cash Management fund** (or another fund selected by the Employer). The account balance may be reallocated by the surviving spouse or dependents.

** *An investment in the Dreyfus Cash Management money market fund is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Although the fund seeks to preserve the value of your investment at \$1.00 per share, it is possible to lose money by investing in the fund. Investors should consider the investment objectives, risks, charges, and expenses of the fund carefully before investing. You may visit us at www.icmarc.org or call 800-669-7400 to obtain a prospectus that contains this and other information about the fund. Read the prospectus carefully before investing.*

If a Participant's account balance has not been fully utilized upon the death of the eligible spouse, the account balance may continue to be utilized to pay benefits of eligible dependents. Upon the death of all eligible dependents, the account will revert in accordance with the Employer's election under Section VIII of the *VantageCare RHS Adoption Agreement*.

B. No Surviving Spouse or Surviving Dependents

If there are no living spouse or dependents at the time of death of the Participant, the account will revert in accordance with the Employer's election under Section VIII of the *VantageCare RHS Adoption Agreement*.

XII. The Plan will operate according to the following provisions:

A. Employer Responsibilities

1. The Employer will submit all VantageCare Retirement Health Savings Plan contribution data via electronic submission.
 2. The Employer will submit all VantageCare Retirement Health Savings Plan Participant status updates or personal information updates via electronic submission. This includes but is not limited to termination notification, benefit eligibility, and vesting notification.
- B.** Participant account administration and asset-based fees will be paid through the redemption of Participant account shares, unless agreed upon otherwise in the Administrative Services Agreement.
- C.** Assignment of benefits is not permitted. Benefits will be paid only to the Participant, his/her Survivors, the Employer, or an insurance provider (as allowed by the claims administrator). Payments to a third-party payee (e.g., medical service provider) are not permitted with the exception of reimbursement to the Employer or insurance provider (as allowed by the claims administrator).
- D.** An eligible dependent is (a) the Participant's lawful spouse, (b) the Participant's child under the age of 27, as defined by IRC Section 152(f)(1) and Internal Revenue Service Notice 2010-38, or (c) any other individual who is a person described in IRC Section 152(a), as clarified by Internal Revenue Service Notice 2004-79.
- E.** The Employer will be responsible for withholding, reporting and remitting any applicable taxes for payments which are deemed to be discriminatory under IRC Section 105(h), as outlined in the *VantageCare Retirement Health Savings Employer Manual*.

XIII. Employer Acknowledgements

- A.** The Employer hereby acknowledges it understands that failure to properly fill out this *VantageCare Retirement Health Savings Adoption Agreement* may result in the loss of tax exemption of the Trust and/or loss of tax-deferred status for Employer contributions.
- B.** Check this box if you are including supporting documents that include plan provisions.

EMPLOYER SIGNATURE

By: _____
Title: George T. Warman, Jr, Director of Administrative Services

Attest: _____
Title: Rebecca S. Vaughn, Town Clerk

Date: _____

Date: _____

**ADDENDUM
EMPLOYER VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN
ADOPTION AGREEMENT
Plan Number 803628**

Section VI. Contribution Sources and Amounts

B.

Retiree Medical: New employees (hired or rehired after August 1, 2011).

The Town's retiree medical contribution shall be limited to the PERS Minimum Employer Contribution (MEC).

In addition to the MEC, the Town shall make the contributions to a Retirement Health Savings Account (RHSA) in accordance with the table below for employees hired or rehired after August 1, 2011:

<u>Years of Service</u>	<u>Town Contribution</u>
0 – 3	No contribution
Beginning of 4 th – 10	\$1,200 annual
Beginning of 11 th +	\$1,500 annual



VantageCare Retirement Health Savings Program Implementation Data Form – Page 1 of 3

Instructions to Employer: Provide necessary information to establish your plan properly.
Please contact your New Business Analyst at 800-326-7272, if you have any questions.

ICMA-RC Use Only: Employer # 803628

<p>General Information</p>	<ol style="list-style-type: none"> 1. (902) Employer's Full Name: <u>Town of Corte Madera</u> 2. (924) Street Address: <u>300 Tamalpais Drive</u> (925) _____ 3. (918) City: <u>Corte Madera</u> (919) State: <u>CA</u> (920) Zip Code: <u>94925</u> 4. (633) Primary Contact: <u>George T. Warman, Jr.</u> 5. (634) Primary Contact Title: <u>Director of Administrative Services</u> 6. (631) Primary Contact Telephone #: () <u>(415) 927-5054</u> 7. (632) Fax #: () <u>(415) 927-5087</u> 8. (PT00) E-mail Address: <u>gwarman@tcmmail.org</u> <i>This email will be used to provide an electronic copy of your plan summary.</i> 9. (882) Employer's Federal Tax Identification Number: <u>94-60041432</u> 10. # of Employees: <u>45</u> 11. # of Employees Eligible for Plan Participation: <u>14</u> 12. # of Employees Eligible to Receive Medical Benefits upon plan implementation: <u>NONE</u>
<p>Plan Implementation Information</p>	<ol style="list-style-type: none"> 13. (611) Contribution Information: (Note: * = default) <ol style="list-style-type: none"> a. Frequency: (check one): <input type="checkbox"/> (0) Bi-weekly* <input type="checkbox"/> (4) Monthly <input type="checkbox"/> (8) Semi-quarterly <input type="checkbox"/> (1) Weekly <input type="checkbox"/> (5) Semi-Monthly <input type="checkbox"/> (9) Bi-annually <input type="checkbox"/> (2) Semi-weekly <input type="checkbox"/> (6) Bi-quarterly <input type="checkbox"/> (10) Annually <input type="checkbox"/> (3) Bi-monthly <input type="checkbox"/> (7) Quarterly <input type="checkbox"/> (11) Semi-annually <input type="checkbox"/> () Other: _____ b. Deposit Medium: (624) <input type="checkbox"/> Check * <input type="checkbox"/> Wire <input type="checkbox"/> EFT c. Data Medium: EZLink Required to participate in RHS Plan d. First Contribution Date Following Implementation: <u>January 2017</u>



VantageCare Retirement Health Savings Program Implementation Data Form – Page 2 of 3

<p>Default Investment Option</p>	<p>The default fund will be used if a participant does not provide valid allocation instructions.</p> <p>If you do not make an election in this section, the Milestone Fund with the target date closest to a participant's 60th birthday will be used as your plan's default option.</p> <p>You may select the "Alternative Default" option if you would like to use a fund (or funds) other than the Milestone Funds as your plan's default option. Please see ICMARC's Standard Plan Fund Lineup at www.icmarc.org to complete this section.</p> <p>Note: Prior to selecting the "Alternative Default" option, employers should carefully review the Department of Labor's final regulations on qualified default investment alternatives (QDIAs). More information is available online at www.dol.gov or www.icmarc.org/ppa.</p> <p>Default Fund for Investment Allocations (Select one option):</p> <p><input checked="" type="checkbox"/> The Milestone Funds (Default) with a target retirement age of:</p> <p style="padding-left: 20px;"><input checked="" type="checkbox"/> Age 60 (Default)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Age _____ (Input the Target Retirement Age to be used for your plan)</p> <p><input type="checkbox"/> Alternative Default _____</p> <p style="padding-left: 20px;">(Input the fund name that will be used as the plan's default investment option)</p>
<p>Claims Contact Information</p> <p>Please indicate alternate addresses in Comments Section</p>	<p>If item #14-17 and 19 are left blank, the Primary Contact in #4 will receive mailings. Complete item #18.</p> <p>14. PT01 Contact Signature: _____ (200) Contact Name: <u>Jonna Intoschi jintoschi@tcmmail.org</u> (210) Contact Title: <u>Financial Analyst II</u> (420) Telephone: () (415) 927-5055 (421) Fax: (415) 927-5087</p> <p>15. PT08 Contact Signature: _____ (200) Contact Name: _____ (210) Contact Title: _____ (420) Telephone: () _____ (421) Fax: () _____</p> <p>16. PT09 Contact Signature: _____ (200) Contact Name: _____ (210) Contact Title: _____ (420) Telephone: () _____ (421) Fax: () _____</p>
<p>Contribution Contact Information</p>	<p>17. PT02 (200) Contact Name: <u>Jonna Intoschi jintoschi@tcmmail.org</u> (210) Contact Title: <u>Financial Analyst II</u> (420) Telephone: () (415) 927-5055 (421) Fax: (415) 927-5087</p>



VantageCare Retirement Health Savings Program Implementation Data Form – Page 3 of 3

Trustee Contact Information	18. PT10 (200) Trustee Name: <u>Town of Corte Madera</u> (210) Trustee Title: <u>Director of Administrative Services</u> (215) Trustee: <u>George T. Warman, Jr.</u> (310) Trustee Address: _____ (305) Street <u>300 Tamalpais Drive</u> (320) City <u>Corte Madera</u> (325) State <u>CA</u> (330) Zip <u>94925</u> (401) Y / N _____ (402) Y / N _____ (420) Telephone: (<u> </u>) <u>(415) 927-5054</u> (421) Fax: (<u>415</u>) <u>927-5087</u>
Billing (Fees) Contact Information	19. PT06 (200) Contact Name: <u>Jonna Intoschi jintoschi@tcmmail.org</u> (210) Contact Title: <u>Financial Analyst II</u> (420) Telephone: (<u> </u>) <u>(415) 927-5055</u> (421) Fax: (<u>415</u>) <u>927-5087</u>
Comments: (Alternate Addresses for #14-19)	
Internal Use Only	641 _____ 912 _____ 608 _____ 074 _____

ADMINISTRATIVE SERVICES AGREEMENT

Between

ICMA Retirement Corporation

and

Town of Corte Madera Mid-Management

Type: VantageCare RHS

Account Number: 803628

ADMINISTRATIVE SERVICES AGREEMENT

This Agreement, made as of the 1ST day of JANUARY, 2017 (herein referred to as the "Inception Date"), between The International City Management Association Retirement Corporation ("ICMA-RC"), a nonprofit corporation organized and existing under the laws of the State of Delaware; and the Town of Corte Madera Mid-Management ("Employer") a local governmental instrumentality organized and existing under the laws of the State of California with an office at 300 Tamalpais Drive, Corte Madera, California 94925.

RECITALS

Employer acts as a public plan sponsor for a retiree health plan with responsibility to obtain investment alternatives and services for employees participating in that plan;

Employer desires to make the VantageCare Retirement Health Savings ("RHS") Program provided by ICMA-RC available to its employees through the Employer's integral part trust ("Trust") and the Employer's welfare benefits plan ("Plan");

ICMA-RC acts as investment adviser to VantageTrust Company, LLC ("VTC"), the Trustee of VantageTrust II Multiple Collective Investment Funds Trust ("VantageTrust II");

VantageTrust II is a group trust established and maintained in accordance with New Hampshire Revised Statutes Annotated section 391:1 and Internal Revenue Service Revenue Rulings 81-100 and 2011-1, which provides for the collective investment and reinvestment of assets of certain tax-exempt, governmental pension and profit sharing plans, and retiree welfare plans, and other eligible investors;

VTC makes a series of separate funds (the "VT II Funds") available through VantageTrust II for the investment of plan assets as referenced in VantageTrust II's Declaration of Trust and Disclosure Memorandum ("Disclosure Materials");

VTC is a wholly owned subsidiary of ICMA-RC and has exclusive management and investment authority with respect to the VT II Funds;

The VT II Funds are available only through adoption of VantageTrust II; and

In addition to serving as investment adviser to VTC, ICMA-RC provides a complete offering of services to public employers for the operation of employee retirement and retiree health savings plans including, but not limited to, communications concerning investment alternatives, account maintenance, account record-keeping, investment and tax reporting, form processing, benefit disbursement and asset management.

AGREEMENTS

1. Acceptance of RHS Program

Employer agrees to make the RHS Program provided by ICMA-RC available to its employees. The details of the RHS Program shall be as mutually agreed between the Employer and ICMA-RC, and in general shall be as set forth in the RHS Program materials developed by ICMA-RC and provided to Employer. The RHS Program materials are hereby incorporated by reference and made a part of this Agreement, except that Employer and ICMA-RC may from time to time mutually agree in writing to terms that vary from the RHS Program materials. RHS Program materials shall include the *VantageCare RHS Employer Manual*, available electronically through the EZ Link System upon adoption of the RHS Program.

The functions to be performed by ICMA-RC and its agents include:

- (a) allocation in accordance with participant direction of individual accounts to investment funds ("Funds") made available to Plan participants;
- (b) maintenance of individual accounts for participants reflecting amounts contributed, income, gain, or loss credited, and amounts disbursed as benefits;
- (c) provision of periodic reports to the Employer and participants of the status of Plan investments and individual accounts;
- (d) communication to participants of information regarding their rights and elections under the Plan;
- (e) disbursement of benefits as agent for the Employer in accordance with terms of the Plan; and
- (f) performance of tax withholding and reporting in conjunction with the Employer for each RHS account.

2. Employer Duty to Furnish Information

Employer agrees to furnish to ICMA-RC on a timely basis such information as is necessary for ICMA-RC to carry out its responsibilities with respect to the Plan, including information needed to allocate individual participant accounts to Funds, and information as to the benefit eligibility and employment status of participants, and participants' ages, addresses, dependents, spouses and other identifying information (including tax identification numbers). Employer also agrees that it will notify ICMA-RC in a timely manner regarding changes in staff as it relates to various roles. This is to be completed through the online EZLink employer contact options. ICMA-RC shall be entitled to rely upon the accuracy of any information that is furnished to it by a responsible official of the Employer or any information relating to an individual participant, spouse or dependent that is furnished by such participant, spouse or dependent, and ICMA-RC shall not be responsible for any error arising from its reliance on such information. ICMA-RC

will provide reports, statements and account information to the Employer through EZLink, the online plan administrative tool.

3. ICMA-RC Representations and Warranties

ICMA-RC represents and warrants to Employer that:

- (a) ICMA-RC is a non-profit corporation with full power and authority to enter into this Agreement and to perform its obligations under this Agreement.
- (b) ICMA-RC is an investment adviser registered as such with the Securities and Exchange Commission under the Investment Advisers Act of 1940, as amended..

4. Employer Representations and Warranties

Employer represents and warrants to ICMA-RC that:

- (a) Employer is organized in the form and manner recited in the opening paragraph of this Agreement with full power and authority to enter into and perform its obligations under this Agreement and to act for the Plan and participants in the manner contemplated in this Agreement. Execution, delivery, and performance of this Agreement will not conflict with any law, rule, regulation or contract by which the Employer is bound or to which it is a party.
- (b) Information required to be retained by the Employer shall be set forth in the RHS Program materials developed by ICMA-RC and provided to the Employer.
- (c) Employer is responsible for determining that there are no state or local laws that would prohibit it from establishing the RHS Program. Employer is also responsible for determining that the investments selected for the Plan fall within state or local requirements. ICMA-RC shall not be responsible for monitoring state or local law or for administering the Plan in compliance with local or state requirements unless Employer notifies ICMA-RC of any such local or state requirements.
- (d) Employer acknowledges that the RHS Plan is a “health plan” for Health Insurance Portability and Accountability Act (“HIPAA”) purposes and therefore is subject to HIPAA privacy rules. Employer also acknowledges that the RHS Plan is a Health Reimbursement Arrangement, subject to applicable provisions of the Affordable Care Act (“ACA”). An employer sponsoring the Plan is responsible for complying with the HIPAA privacy and security rules with respect to all protected health information created, maintained, received, or transmitted in relation to the Plan and is responsible for complying with the ACA.
- (e) Employer acknowledges that certain such services to be performed by ICMA-RC under this Agreement may be performed by an affiliate or agent of ICMA-RC pursuant to one

or more other contractual arrangements or relationships, and that ICMA-RC reserves the right to change vendors with which it has contracted to provide services in connection with this Agreement without prior notice to Employer.

- (f) Employer acknowledges and agrees that ICMA-RC does not assume any responsibility with respect to the selection or retention of the Plan's investment options. Employer shall have exclusive responsibility for the selection and retention of the Plan's investment options, including the selection of the applicable mutual fund share class.
- (g) To the extent the Funds in the Plan's investment lineup include VT II Funds, Employer confirms that it has executed a Participation Agreement for VantageTrust II and acknowledges that it has received the Disclosure Materials.

5. Participation in Certain Proceedings

The Employer hereby authorizes ICMA-RC to act as agent, to appear on its behalf, and to join the Employer as a necessary party in all legal proceedings regarding the Plan involving the garnishment of benefits or the transfer of benefits pursuant to a medical child support order. Unless Employer notifies ICMA-RC otherwise, Employer authorizes ICMA-RC to determine whether disbursement of benefits to a spouse or child pursuant to a medical child support order is appropriate.

6. Compensation and Payment

Absent an explicit agreement to the contrary between ICMA-RC and Employer, participant fees and expenses shall be payable from RHS assets, in accordance with the requirements of the RHS Program as set forth below.

- (a) *For RHS assets in the VT II Funds*
 - (i) Asset-based fees will be included in the daily unit value of each VT II Fund; and
 - (ii) No separate asset-based fees will be assessed.
- (b) *For assets in Funds other than the VT II Funds*, an annual asset fee of 0.30% (30 basis points) will be charged on a quarterly basis, based on the balance in the account on the last day of the previous quarter.
- (c) A \$ 25 annual account administration fee will be charged quarterly to each Accountholder's account.
- (d) Asset-based fees and the annual account administration fee are subject to change with appropriate prior notification.
- (e) **Compensation for Advisory and other Services to The Vantagepoint Funds.** Employer acknowledges that certain wholly-owned subsidiaries of ICMA-RC

receive compensation from The Vantagepoint Funds for advisory and other services furnished to The Vantagepoint Funds, a series of no-load, diversified mutual funds. The Vantagepoint Funds serve as the underlying funds to certain VT II Funds, and ICMA-RC makes available The Vantagepoint Funds for investment of public employer plan assets, including RHS Plan assets. The fees referred to in this subsection are disclosed in The Vantagepoint Funds Prospectus and Statement of Additional Information.

7. Contribution Remittance

Employer understands that amounts contributed to the Plan are to be remitted directly to Vantagepoint Transfer Agents in accordance with instructions provided to Employer in the RHS Program materials and are not to be remitted to the ICMA Retirement Trust or ICMA-RC. In the event that any check or wire transfer is incorrectly labeled or transferred, ICMA-RC will return it to Employer with proper instructions.

8. Responsibility

- (a) ICMA-RC shall not be responsible for any acts or omissions of any person with respect to the Plan, or related Trust, other than ICMA-RC in connection with the administration or operation of the Plan or related Trust.
- (b) The Employer understands that, as a general matter, the Internal Revenue Service (“IRS”) may decline to rule on certain design features or provisions that the Employer may request to have added to the RHS Program materials. The Employer agrees to hold ICMA-RC harmless in connection with the addition and administration of any Plan feature or provision requested by the Employer for which the IRS will not provide express interpretive guidance.

9. Indemnification

Employer shall indemnify ICMA-RC against, and hold ICMA-RC harmless from, any and all loss, damage, penalty, liability, cost, and expense, including without limitation, reasonable attorney’s fees, that may be incurred by, imposed upon, or asserted against ICMA-RC by reason of any claim, regulatory proceeding, or litigation arising from any act done or omitted to be done by any individual or person with respect to the Plan or related Trust, excepting only any and all loss, damage, penalty, liability, cost or expense resulting from ICMA-RC’s negligence, bad faith, or willful misconduct.

10. Term

This Agreement shall be in effect for an initial term beginning on the Inception Date and ending 5 years after the Inception Date. This Agreement will be renewed automatically for each succeeding year unless written notice of termination is provided by either party to the other no less than 60 days before the end of such Agreement year.

11 Amendments and Adjustments

- (a) This Agreement may be amended by written instrument signed by the parties.
- (b) The parties agree that only an adjustment to compensation or administrative and operational services under this Agreement may be implemented by ICMA-RC through a proposal to the Employer via correspondence or the Employer Bulletin. The Employer will be given at least 60 days to review the proposal before the effective date of the adjustment. Such adjustment shall become effective unless, within the 60 day period before the effective date, the Employer notifies ICMA-RC in writing that it does not accept such adjustment, in which event the parties will negotiate with respect to the adjustment.
- (c) No failure to exercise and no delay in exercising any right, remedy, power or privilege hereunder shall operate as a waiver of such right, remedy, power or privilege.

12. Notices

All notices required to be delivered under this Agreement shall be delivered personally or by registered or certified mail, postage prepaid, return receipt requested, to (i) Legal Department, ICMA Retirement Corporation, 777 North Capitol Street, N.E., Suite 600, Washington, D.C, 20002-4240; (ii) Employer at the office set forth in the first paragraph hereof, or to any other address designated by the party to receive the same by written notice similarly given.

13 Complete Agreement

This Agreement shall constitute the sole agreement between ICMA-RC and Employer relating to the object of this Agreement and correctly sets forth the complete rights, duties and obligations of each party to the other as of its date. Any prior agreements, promises, negotiations or representations, verbal or otherwise, not expressly set forth in this Agreement are of no force and effect.

14. Governing Law

This agreement shall be governed by and construed in accordance with the laws of the State of California applicable to contracts made in that jurisdiction without reference to its conflicts of laws provisions.

In Witness Whereof, the parties hereto have executed this Agreement as of the Inception Date first above written.

CITY OF CORTE MADERA
MID-MANAGEMENT

GEORGE T. WARMAN, JR.
By DIRECTOR OF ADMINISTRATIVE SERVICES
Signature/Date

By _____
Name and Title (Please Print)

INTERNATIONAL CITY
MANAGEMENT ASSOCIATION
RETIREMENT CORPORATION


By _____
Erica McFarquhar
Assistant Secretary



Plan Name: Mid-Management - RHSA
Plan Number(s): 803628

(All plan numbers must be listed to avoid processing delays.)

1
Primary Contact Information

Primary Contact Name: George T. Warman, Jr.
Primary Contact Title: Director of Administrative Services
Email Address: gwarman@tcmmail.org
Daytime Phone Number: (415) 927 - 5054

2
EZLink User Information

Select One: Add New User ID Update User ID Remove User ID
Name: George T. Warman, Jr.
Title: Director of Administrative Services
Email Address: gwarman@tcmmail.org
Daytime Phone Number: (415) 927 - 5054

Access Options (You must select either yes or no for each access option):

Balance Inquiry Yes No File Transfer Yes No
Enrollments/Rehire Yes No Participant Data Transfers Yes No
Participant Changes Yes No

Select One: Add New User ID Update User ID C462OUSR1 Remove User ID
Name: Jonna Intoschi
Title: Financial Analyst II
Email Address: jintoschi@tcmmail.org
Daytime Phone Number: (415) 927 - 5055

Access Options (You must select either yes or no for each access option):

Balance Inquiry Yes No File Transfer Yes No
Enrollments/Rehire Yes No Participant Data Transfers Yes No
Participant Changes Yes No

Select One: Add New User ID Update User ID Remove User ID
Name: _____
Title: _____
Email Address: _____
Daytime Phone Number: (____) _____ - _____

Access Options (You must select either yes or no for each access option):

Balance Inquiry Yes No File Transfer Yes No
Enrollments/Rehire Yes No Participant Data Transfers Yes No
Participant Changes Yes No



EZLINK ACCESS FORM — PAGE 2 OF 2

3 EZLink User Information (continued)

Select One: Add New User ID Update User ID _____ Remove User ID

Name: _____

Title: _____

Email Address: _____

Daytime Phone Number: (____) _____ - _____

Access Options (You must select either yes or no for each access option):

- Balance Inquiry Yes No File Transfer Yes No
- Enrollments/Rehire Yes No Participant Data Transfers Yes No
- Participant Changes Yes No

Select One: Add New User ID Update User ID _____ Remove User ID

Name: _____

Title: _____

Email Address: _____

Daytime Phone Number: (____) _____ - _____

Access Options (You must select either yes or no for each access option):

- Balance Inquiry Yes No File Transfer Yes No
- Enrollments/Rehire Yes No Participant Data Transfers Yes No
- Participant Changes Yes No

4 Primary Contact Approval

ICMA-RC considers participant information to be highly confidential, and we go to great lengths to avoid breaching that confidentiality. For this reason, ICMA-RC cannot be responsible for (i) negligent or intentional misuse of the password by the municipality's officers, employees, agents or contractors, (ii) a breach of confidentiality that may occur as a result of such negligent or intentional misuse of the password, or (iii) a breach of confidentiality that may occur as a proximate result of the municipality's access to the participant database. If the municipality uses EZLink online transaction processing, please remember to review all financial information you have entered for your participants, as ICMA-RC is not responsible for incorrect data transmitted by the municipality. ICMA-RC recommends that you encourage all participants to review confirmations for accuracy. EZLink User IDs that have not been used within a consecutive eighteen month period will be systematically deleted to further protect the security of your plan and participant data.

ICMA-RC's website is normally available 24 hours a day, seven days a week. However, service availability is not guaranteed. Neither ICMA-RC or its affiliates, the VantageTrust Company, nor The Vantagepoint Funds will be responsible for any loss (or forgone gain) you may incur as a result of service being unavailable.

Please signify your agreement to these terms by signing in the space indicated below. We will provide you with User ID(s) and Password(s) to begin using EZLink. Should you have questions, please call our EZLink Team at 1-800-326-7272.

Agreed: _____ Date: _____

Print your name: George T. Warman, Jr.

For ICMA-RC Internal Use Only:

EZLink Primary _____ NBS _____ EZLink QA _____ Data Security _____

CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: April 25, 2016
Meeting Date: May 3, 2016

TO: TOWN MANAGER, MAYOR AND TOWN COUNCIL
FROM: GEORGE T. WARMAN, JR., DIRECTOR OF ADMINISTRATIVE SERVICES/TOWN
TREASURER
SUBJECT: APPROVAL OF AMENDMENTS TO ADOPTED TOWN BUDGET FY 2015-2016

PURPOSE:

To approve amendments to the Adopted Town Budget FY 2015-2016.

RECOMMENDATION:

Staff recommends that the Town Council approve the below amendments to the Adopted Town Budget FY 2015-2016.

OPTIONS:

Options include:
Approval of the below amendments to the Town Budget FY 2015-2016.
Approval of a modified list of amendments.
Take no action at this time.

TOWN MANAGER'S RECOMMENDATION:

Support Staff's recommendation.

GENERAL PLAN:

Not applicable.

ENVIRONMENTAL IMPACT:

Not applicable.

FISCAL IMPACT:

Attachment #1 lists the Budget Amendments/Supplemental Appropriations approved to date. If the Budget Adjustments recommended in this Staff Report are approved, the position of the General Fund would have a positive net increase of \$384,200 including the amendments listed in Attachment #1. This will help to reduce the General Fund’s internal deficit of <3,876,000> (See Table of Opening Balances on the website).

DISCUSSION:

A review of the budget for the Third Quarterly Summary Financial Report now being processed indicates the below adjustments are in order. All other items appear “OK” at this time.

GENERAL FUND REVENUE ADJUSTMENTS

<u>Revenue Source</u>	<u>Original Budget 2015-16</u>	<u>Existing Adjusted Budget 2015-16</u>	<u>New Adjusted Budget 2015-16</u>	<u>Amount of New Change 2015-16</u>	<u>Percent of Change</u>
<u>Other Revenues</u>	14,000	122,000	224,000	102,000	83.61%

The new increases include \$60,000 from the Wincup Extension Agreement; a Stericycle class action settlement by the State Attorney General’s Office (medical supplies) \$16,300; a State Board of Equalization settlement with Dell (computer equipment) \$500; additional sales of replaced rolling stock \$25,200.

The previous adjustment included the Westfall litigation reimbursement of \$51,000 & sale of replaced vehicles & equipment of \$57,000.

GENERAL FUND EXPENDITURE ADJUSTMENTS

<u>Budget Activity And/Or Budget Item</u>	<u>Original Budget 2015-16</u>	<u>Existing Adjusted Budget 2015-16</u>	<u>New Adjusted Budget 2015-16</u>	<u>Amount of New Change 2015-16</u>	<u>Percent of Change</u>
<u>Transfer to Park Madera Center Enterprise Fund</u>	138,600	170,900	240,400	69,500	40.67%

This additional adjustment was discussed in the Second Quarterly Summary Financial Report. The updated explanation indicates a budget adjustment of \$69,500 as follows.

The Property Manager budgeted the full exterior painting of the Center at \$20,000. The actual cost of the painting was \$29,100. The painting necessitated several repairs and completion of the Tenant Master Signage. The repairs prior to the painting included: exterior repairs to rear side of main building - \$3,800; exterior repair to the metal shed - \$3,600; dry rot repair - \$3,300. Completion of the Tenant Master Signage - \$19,000. Some of the Center HVAC units that were on the side-not roof-of the main building were relocated to the roof as part of the exterior painting and replaced - \$12,300. All this work was completed prior to the reappraisal of the Center in December to positively affect the results of the appraisal. The recent 5 year fire protection systems inspection required several corrections to the main building and upgrades-\$6,300. Various other repairs occurred: main building water leak-\$1,600; main building grease trap-\$1,900; new painting of Yoga Studio-\$1,400-associated with lease renewal; replaced electric panel in Hair Studio-\$1,200-associated with lease extension; minor vandalism-\$1,200; and lastly, leasing commissions total \$4,800.

The FY 2015-2016 shortfall of the Center was estimated at \$138,600. In FY 2013-2014, the shortfall was \$192,100 and in FY 2014-2015, the shortfall was \$213,600. I was inclined to ignore the \$138,600 estimate by the Property Manager for the year during budget preparation and put it at \$200,000. Obviously, that is the number that should have been used. The Center has old buildings which are in the constant need of maintenance. The \$69,500 does not include the two property appraisals of \$32,300 which were approved by the Council at the March 1, 2016 meeting.

The refinance of the original 30 year bonds is estimated to save \$90,000 per year over the remaining 20 years of the issue by the financial consultant. The current appraisal (December 2015-see Weekly Report of December 23rd) was necessary for the refinance.



George T. Warman, Jr.
Director of Administrative Services/
Town Treasurer

ATTACHMENT:

1. Budget Amendments

0.00

110,000.00+

200,000.00+

34,000.00+

12,000.00+

4,000.00+

627,000.00+

100,000.00+

4,000.00+

4,000.00-

4,000.00-

600.00-

1,500.00+

5,500.00+

7,000.00+

30,000.00-

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505,000.00-

15,000.00-

32,300.00-

3,000.00-

159,400.00-

102,000.00+

69,500.00-

504,200.00*

0.00

ATTACHMENT #1:
Budget Amendments

BUDGET AMENDMENTS

<u>Item</u>	<u>Amounts</u>
Marin Audubon Society Land Acquisition July 7 th Expenditures:	10,000
Reed School District Bussing August 18 th Expenditures:	25,000
Battalion Chief's Compensation Increase August 18 th Expenditures:	13,000
Town Manager Compensation Increase September 15 th Expenditures:	15,500
Department Heads Compensation Increase October 20 th Expenditures:	14,900
Mid-Management Compensation Increase December 1 st Expenditures:	31,500
Part-time Employees of Fire & Recreation Departments Compensation Increase December 1 st Expenditures:	5,000
Fire Association Compensation Increase December 15 th Expenditures:	44,500
Various Revenue Adjustments (Several Funds)	
Various Expenditure Adjustments (Several Funds)	
March 1 st Revenues:	2,684,200
Expenditures:	2,615,900
Cable Casting Meetings April 5 th Expenditures:	5,000

BUDGET AMENDMENTS

<u>Item</u>	<u>Amounts</u>
Fire Department Items	
April 19 th	
Expenditures:	26,000
Totals:	
Revenues:	2,684,200
Expenditures:	2,806,300

THIS MATERIAL HAS BEEN REVIEWED BY
THE TOWN MANAGER

TOWN OF CORTE MADERA
SANITARY DISTRICT NO. 2 OF MARIN COUNTY,
A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA
INVESTMENT TRANSACTIONS
FOR THE MONTH OF MARCH, 2016

Type of Investment Instrument	Institution	Beginning Date of Investment	Date of Maturity	Total Number of Days	Call Provisions	Total Number of Days This Month	Amount of Investment	Market Value For Securities With A Maturity Over 12 Months	Interest Rate	Interest Accrued This Month	Interest Due
Certificate of Deposit (CD)	GE Capital Bank, Draper, Utah (Semi)	02/28/14	02/28/17	1,096	None	31	247,000	247,928.72	1.05%	220.41	237.93
Certificate of Deposit (CD)	Goldman Sachs, New York, NY (Semi)	03/05/14	03/06/17	1,096	None	31	247,000	247,602.68	1.00%	209.87	1,416.51
Certificate of Deposit (CD)	United Banker's Bank Bloomington, Minn (Monthly)	8/29/2014	11/29/17	1,185	None	31	245,000	245,644.35	1.15%	239.32	254.55

TOWN OF CORTE MADERA
 SANITARY DISTRICT NO. 2 OF MARIN COUNTY,
 A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA
 INVESTMENT TRANSACTIONS
 FOR THE MONTH OF MARCH, 2016

Type of Investment Instrument	Institution	Beginning Date of Investment	Date of Maturity	Total Number of Days	Call Provisions	Total Number of Days This Month	Amount of Investment	Market Value For Securities With A Maturity Over 12 Months	Interest Rate	Interest Accrued This Month	Interest Due
Local Agency Inv Fund	St Treasurers Off	Jan, 16 LAIF Trans	N/A	N/A	N/A	N/A	N/A	N/A	0.446	0.00	3,978.44
Local Agency Inv Fund	St Treasurers Off	Feb, 16 LAIF Trans	N/A	N/A	N/A	N/A	N/A	N/A	0.467	0.00	3,956.56
Local Agency Inv Fund	St Treasurers Off	Jan-Mar, LAIF Adjust	N/A	N/A	N/A	N/A	N/A	N/A	0.000	(267.46)	(267.46)
Local Agency Inv Fund	St Treasurers Off	02/29/16	03/15/16	15	N/A	14	10,670,000.00	N/A	0.506	2,070.88	2,070.88
Local Agency Inv Fund	St Treasurers Off	03/15/16	04/08/16	24	N/A	17	10,550,000.00	N/A	0.506	2,486.42	2,486.42
TOTALS							11,289,000.00	741,175.75		4,959.44	14,133.83

Total interest earned for the month of March was \$4,959.44.
 Total cash in investment on March 1, 2016 was \$11,409,000.00.
 Total cash in investment on March 31, 2016 was \$11,289,000.00.
 Effective yield for the month March, 2016 was 0.543%.

LAIF	10,550,000.00
CDs	741,175.75
Market Variance	<u>(2,175.75)</u>
	11,289,000.00

Submitted herewith is the monthly report of investment transactions pertaining to the Town of Corte Madera and Sanitary District No. 2 of Marin County, a Subsidiary District to the Town of Corte Madera, in accordance with Government Code Section 53600 et.seq. and Section 53646. The subject investment transactions are in accordance with the Annual Statement of Investment Policy dated January 1, 2016.

Pursuant to State Law, the following statement is required: Sufficient funds will be available to meet expenditure requirements for the next six (6) months.

George T. Warman, Jr.
 Director of Administrative Services
 April 21, 2016

Investment Transactions
March, 2016

Calculation of Effective Yield

Amount Invested Times	Number of Days	Equals Denominator and Times	Interest Rate	Equals Numerator
247,000	31	7,657,000	1.050	8,039,850
247,000	31	7,657,000	1.000	7,657,000
245,000	31	7,595,000	1.150	8,734,250
10,670,000	14	149,380,000	0.506	75,586,280
10,550,000	17	179,350,000	0.506	90,751,100
		351,639,000		190,768,480
		190,768,480		
		351,639,000 = effective yield of 0.543%		

George T. Warman, Jr.

George T. Warman, Jr.
Director of Administrative Services
April 21, 2016

PAGE 4 OF 6

	Cash	Investments	Fund Total
101 GENERAL FUND	472,417.10	4,726,025.01 CR	4,253,607.91 CR
102 GENERAL FUND NON-OPERATIONS FD	0.00	186.04 CR	186.04 CR
104 CAPITAL EQUIP. REPLACE FUND	0.00	4,591,293.50	4,591,293.50
105 TRAFFIC SAFETY FUND	0.00	0.00	0.00
106 PARK MADERA CENTER FUND	0.00	2,413,824.15 CR	2,413,824.15 CR
108 GAS TAX 2103 FUND	0.00	100,278.68	100,278.68
109 GAS TAX 2105 FUND	0.00	34,876.80	34,876.80
110 GAS TAX 2106 FUND	0.00	21,280.96	21,280.96
111 GAS TAX 2107 FUND	0.00	20,008.03 CR	20,008.03 CR
112 GAS TAX 2107.5 FUND	0.00	0.00	0.00
114 TAM SALES TAX OVERRIDE FUND	0.00	69,129.92	69,129.92
115 STATE DISABILITY ACCESS FEE FUND	0.00	1,276.10	1,276.10
116 BEAUTIFICATION FUND	0.00	10,310.78 CR	10,310.78 CR
120 CORTE MADERA SALES TAX OVERRIDE	0.00	3,812,024.19	3,812,024.19
124 AFFORDABLE HOUSING FUND	0.00	165,390.78	165,390.78
140 STORM DRAINAGE SPECIAL TAX FUND	0.00	1,310,311.81	1,310,311.81
159 SHORELINE PARKING DEBT SERVICE	0.00	118,556.15	118,556.15
160 CAPITAL MAINTENANCE FUND	0.00	0.00	0.00
165 SHORELINE PARKING MAINT. DIST.	0.00	12,577.67	12,577.67
170 CAPITAL IMPROVEMENT FUND	0.00	13,491.66	13,491.66
176 WESTSIDE PARK-IN-LIEU FUND	0.00	5,500.00	5,500.00
178 TRAFFIC IMPROVEMENT FUND	0.00	49,524.39 CR	49,524.39 CR
179 VILLAGE TRAFFIC IMPROVEMENT FUND	0.00	133,000.00	133,000.00
180 2016 IRC 125 FLEX BENEFIT FUND	0.00	27,439.86	27,439.86
186 2015 IRC 125 FLEX BENEFIT FUND	0.00	64,097.63	64,097.63
187 DEVELOPERS DEPOSIT AGENCY FUND	0.00	222,048.63	222,048.63
188 AB 1600 DEVELOPMENT FEES FUND	0.00	552,161.79	552,161.79
201 SEWER GENERAL OPERATING FUND	0.00	6,852,511.85	6,852,511.85
255 SAUSALITO ST SEWER ASSESS DIST	0.00	0.00	0.00
257 OLD LANDING ROAD DEBT SERVICE	0.00	54,314.92	54,314.92
260 SEWER CAPITAL MAINTENANCE FUND	0.00	659,758.72 CR	659,758.72 CR
270 SEWER CONNECTION FEE PROJ FUND	0.00	0.00	0.00
301 RECREATION CENTER FUND	0.00	226,733.94 CR	226,733.94 CR
302 PARKS & REC REVENUE TRUST FUND	0.00	9,200.00	9,200.00
303 PARKS & REG FACILITY TRUST FUND	0.00	903,537.69	903,537.69
304 MARIN PARKS MEASURE "A" FUND	0.00	72,583.02	72,583.02
401 RECREATION OUTDOOR FACILITY FUND	0.00	8,085.53	8,085.53
501 NEIL CUMMINS GYM FUND	0.00	84,999.63 CR	84,999.63 CR
601 AFTERSCHOOL PROGRAMS FUND	0.00	53,518.56 CR	53,518.56 CR
701 SUMMER CAMPS & PLAYGROUND FUND	0.00	61,711.15 CR	61,711.15 CR
810 WORKERS' COMP SELF-INSURE FUND	0.00	94,037.65	94,037.65
820 GEN & AUTO LIAB SELF-INSURE FD	0.00	344,377.24	344,377.24
830 PROP & VEH DAMG SELF-INSURE FD	0.00	2,216.37	2,216.37
Grand Total:	472,417.10	11,289,000.00	11,761,417.10

3,154,560.47
 472,417.10

 3,626,977.57

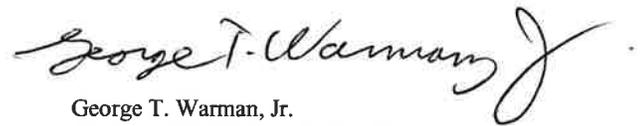
6,247,068.05

566,442.96 →

04/21/16

Interest Distribution
 Month of March, 2016
 Posted to Financial Records in April, 2016

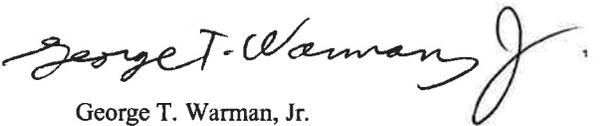
Fund	De-Pooled Interest Earnings	Opening Cash Balances Less De-Pooled 04/01/2016	Percentage of Total Pooled Cash	Pooled Interest Earnings	Total Interest Earnings
#101-General & All Others Not Detailed	N/A	3,626,977.57	30.84	1,529.50	1,529.50
#108-Gas Tax	N/A	136,428.41	1.16	57.53	57.53
#140 Storm Drainage Tax	N/A	1,310,311.81	11.14	552.49	552.49
#201-Sewer	N/A	6,247,068.05	53.11	2,633.93	2,633.93
#810-Workers' Comp Self-Insure	N/A	96,254.02	0.82	40.67	40.67
#820-Gen & Auto Liab Self-Insure	N/A	344,377.24	2.93	145.32	145.32
	0.00	11,761,417.10	100.00	4,959.44	4,959.44



George T. Warman, Jr.
 Director of Administrative Services
 April 21, 2016

CASH BALANCES AS OF MARCH 31, 2016
(NOT FUND BALANCES ON AN ACCRUAL BASIS)

Fund Number	Fund Title	Cash In Investment	Booked Cash In Commerical Account	Total Booked Cash
#101	General	3,154,560.47	472,417.10	3,626,977.57
#108	Gas Tax	136,428.41	0.00	136,428.41
#140	Storm Drainage Tax	1,310,311.81	0.00	1,310,311.81
#201	Sewer	6,247,068.05	0.00	6,247,068.05
#810	Workers' Comp Self-Insure	96,254.02	0.00	96,254.02
#820	Gen & Auto Liab Self-Insure	344,377.24	0.00	344,377.24
TOTALS		11,289,000.00	472,417.10	11,761,417.10



George T. Warman, Jr.
Director of Administrative Services
April 21, 2016

TOWN OF CORTE MADERA
RATIFICATION AND APPROVAL OF
PAYROLL AND DEMANDS (ACCOUNTS PAYABLE)
PERIOD 04/14/16 – 04/27/16

Submitted herewith are the Payroll and Demands (Accounts Payable) paid during the period of 04/14/16 through and including 04/27/16 in accordance with Corte Madera Municipal Code Section 2.12.145 and Chapter 2.28(Statutory provisions contained in Government Code Sections 37202 through 37209 and Sections 40802 through 40805 and Section 40805.5).

Payroll (04/01/16 – 04/30/16)			
Retiree Vested Rights Health Insurance Reimbursement			
Payroll Direct Deposit Numbers	29315 - 29359	\$	<u>27,337.19</u>
<u>Total Payroll</u>		\$	27,337.19
Payroll (04/11/16 – 04/24/16)			
Payroll Check Numbers	5186 - 5198	\$	24,388.67
Payroll Direct Deposit Numbers	29360 - 29436		158,050.16
Payroll Wire Transfer Numbers	1998 - 2002		<u>157,612.06</u>
<u>Total Payroll</u>		\$	340,050.89
Payroll (Council-April)			
Payroll Check Numbers	5199 - 5199	\$	273.00
Payroll Direct Deposit Numbers	29437 - 29440		729.76
Payroll Wire Transfer Numbers	2003 - 2005		<u>326.39</u>
<u>Total Payroll</u>		\$	1,329.15
Warrant Check Numbers	213436 - 213549	\$	412,054.93
Wire – Central Marin Police Monthly Payment (00/00/00)		\$	0.00
Wire – Semi-Annual Debt Park Madera Ctr (00/00/00)		\$	0.00
Wire – CalPERS GASB68 Payment (04/26/16)		\$	<u>1,950.00</u>
<u>Total Demands(Accounts Payable)</u>			414,004.93
TOTAL PAYROLL AND DEMANDS		\$	782,722.16

David James Bracken
Town Manager

Date

George T. Warman, Jr. 04/28/16

George T. Warman, Jr. Date
Director of Administrative Services/
Town Treasurer

APPROVED AT MEETING OF 05/03/16

SLOAN C. BAILEY, MAYOR

DIANE FURST, VICE MAYOR

JAMES ANDREWS, COUNCIL MEMBER

CARLA CONDON, COUNCIL MEMBER

MICHAEL LAPPERT, COUNCIL MEMBER

*Checks listed do not correspond to a month or an accounting period because of overlap between months and accounting periods. Questions concerning the check register should be directed to George Warman at 927-5055. In his absence, ask for Jonna Intoschi or Lina Azevedo.

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213436	4/20/2016	at095c AT & T U-VERSE, #117724553	03/10/16-04/09/16		ON LINE STORAGE LINE TO TCPA ON LINE STORAGE LINE TO TCPA	86.00
					Total :	86.00
213437	4/20/2016	ai560c AIRGAS	9935418626		CHEMICALS, GASES CHEMICALS, GASES	223.14
					Total :	223.14
213438	4/20/2016	al048c ALHAMBRA AND SIERRA SPRINGS, 2875	5135078 041316		WATER WATER	70.24
					Total :	70.24
213439	4/20/2016	al046c ALHAMBRA, 28776025139045 (PW-342)	5139045 041316		WATER WATER	97.08
					Total :	97.08
213440	4/20/2016	ba147c BARTEL ASSOCIATES, LLC	16-229 16-255		JAN 1 - FEB 29, 2016 JAN 1 - FEB 29, 2016 MARCH 1/31, 2016 ACTUARIAL COM MARCH 1/31, 2016 ACTUARIAL COM	4,337.50 250.00
					Total :	4,587.50
213441	4/20/2016	be050c BENEFITS STORE, INC., THE	MARCH-16		ADMINISTRATION ADMINISTRATION FINANCE FIRE FIREFIGHTERS FIREFIGHTERS PLANNING BUILDING PUBLIC-WORKS-CORP PUBLIC WORKS PUBLIC WORKS PUBLIC WORKS RECREATION	8.17 24.51 16.34 24.51 65.26 8.17 8.17 8.17 16.34 40.85 8.17 16.34

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213441	4/20/2016	be050c	be050c BENEFITS STORE, INC., THE	(Continued)		Total : 245.00
213442	4/20/2016	co800c	CORTE MADERA COMM. FOUNDATION	R-35046	CENTENNIAL SALE MERCHANDISE CENTENNIAL SALE MERCHANDISE	790.00 Total : 790.00
213443	4/20/2016	cr066c	CROPPER ACCOUNTANCY CORP.	1170	EXTRA COPIES OF THE TOWN'S EXTRA COPIES OF THE TOWN'S	340.00 Total : 340.00
213444	4/20/2016	su103c	DANIEL MUTISO MUTHYA	1528	JANITORIAL SVCS. JANITORIAL SVCS.	2,200.00 Total : 2,200.00
213445	4/20/2016	de250c	DEPARTMENT OF TRANSPORTATION, C/	SL160735	CALTRANS TRAFFIC SIGNAL MAIN CALTRANS TRAFFIC SIGNAL MAIN	1,467.20 Total : 1,467.20
213446	4/20/2016	em102c	EMPLOYMENT DEVELOPMENT DEPT.	L0129562304	UNEMPLOYMENT INSURANCE UNEMPLOYMENT INSURANCE UNEMPLOYMENT INSURANCE UNEMPLOYMENT INSURANCE	49.00 903.00 11.00 Total : 963.00
213447	4/20/2016	em103c	EMPLOYMENT DEVELOPMENT DEPT.	776-519-5	1ST QUARTER 2016 TAXES DUE 1ST QUARTER 2016 TAXES DUE	2,042.34 Total : 2,042.34
213448	4/20/2016	fi047c	FISHMAN SUPPLY CO. - (P/P/B)	1030076 1031203 1031204 1031205	OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES	146.01 252.76 78.00 36.65

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213448	4/20/2016	fi047c	fi047c FISHMAN SUPPLY CO. - (P/P/B)	(Continued)		Total : 513.42
213449	4/20/2016	fo185c	FORSTER & KROEGER LANDSCAPE, MA 5374		FEBRURY 2016 - FLOOD CONTROL	
					FEBRURY 2016 - FLOOD CONTROL	9,975.00
					FEBRURY 2016 - PARKS	9,975.00
					FEBRURY 2016 - SEWER/SANITARY	9,690.00
					FEBRURY 2016 - STREET	11,400.00
			5403		MARCH 2016 - FLOOD CONTROL	
					MARCH 2016 - FLOOD CONTROL	7,000.00
					FEBRURY 2016 - FLOOD CONTROL	4,685.00
					FEBRURY 2016 - PARKS	4,535.00
					FEBRURY 2016 - PARKS	10,000.00
					FEBRURY 2016 - SEWER/SANITARY	13,110.00
					FEBRURY 2016 - STREETS	4,255.00
					FEBRURY 2016 - STREETS	8,000.00
					Total :	92,625.00
213450	4/20/2016	fo113c	FOURTH STREET PRESS	20308	PRINTING SERVICES	
					PRINTING SERVICES	412.46
				20309	OFFICE SUPPLIES	
					OFFICE SUPPLIES	347.76
				20344	PRINTING SERVICES	
					PRINTING SERVICES	255.58
					Total :	1,015.80
213451	4/20/2016	go055c	GOPHER-IT TRENCHLESS-	G1068	7 MANZANITA CT	
					7 MANZANITA CT	7,500.00
					Total :	7,500.00
213452	4/20/2016	he105c	HERTZ EQUIPMENT RENTAL	28584238-001	EQUIPMENT, MACHINERY RENTAL:	
					EQUIPMENT, MACHINERY RENTAL:	63.69
					Total :	63.69
213453	4/20/2016	ho175c	HORIZON	1Q064967	CENTENNIAL BANNERS	
					CENTENNIAL BANNERS	59.98
				1Q064983	IRRIGATION SUPPLIES	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213453	4/20/2016	ho175c HORIZON	(Continued)		IRRIGATION SUPPLIES	230.60
					Total :	290.58
213454	4/20/2016	ie150c IEDA, INC.	11118		LABOR RELATIONS CONSULTING	5,500.00
					Total :	5,500.00
213455	4/20/2016	in114c INVOICE PROCESSING DEPT.	1691633450280		BRIDGE TOLL	7.25
					Total :	7.25
213456	4/20/2016	jo025c JOHNSON, DEBOIS & FORREST	16018		STRUCTURAL ENGINEERING CALC	2,344.63
					Total :	2,344.63
213457	4/20/2016	ka117c KAISER FOUNDATION HEALTH PLAN	04/08/2016STMT		MEDICAL BENEFITS	1,255.00
					Total :	1,255.00
213458	4/20/2016	kb100c KBA DOCUSYS	INV426746		COPIER SERVICE	102.89
					COPIER SERVICE	205.81
					COPIER SERVICE	102.88
					Total :	411.58
213459	4/20/2016	ln075c L.N. CURTIS & SONS	1391245-00		CLOTHING, UNIFORMS	534.43
			1391245-02		CLOTHING, UNIFORMS	449.08
			1391245-04		CLOTHING, UNIFORMS	119.52
			1391245-05		CLOTHING, UNIFORMS	232.28
			1391280-00		CLOTHING, UNIFORMS	779.30

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213459	4/20/2016	ln075c L.N. CURTIS & SONS	(Continued) 1391280-01		CLOTHING, UNIFORMS	
			1391280-03		CLOTHING, UNIFORMS	119.52
			139144-00		CLOTHING, UNIFORMS	457.86
					CLOTHING, UNIFORMS	133.68
					Total :	2,825.67
213460	4/20/2016	ma550c MARIN MUNICIPAL WATER DISTRICT	04/08/2016STMT		WATER	
					WATER	314.40
					WATER	174.40
			04/11/2016STMT		WATER	
					WATER	59.75
					WATER	112.20
					WATER	1,202.82
					WATER	201.27
					WATER	485.70
					Total :	2,550.54
213461	4/20/2016	me068c METROPOLITAN PLANNING GROUP	2427		TAMAL VISTA EAST CORRIDOR	
					TAMAL VISTA EAST CORRIDOR	5,023.75
					Total :	5,023.75
213462	4/20/2016	ne040c NELSON PERSONNEL SERVICES	6114678		PART TIME HELP - LISA HARPER	
					PART TIME HELP - LISA HARPER	331.65
					PART TIME HELP - LISA HARPER - /	0.75
					Total :	332.40
213463	4/20/2016	of029c OFFICE DEPOT-FIRE-89507905, FILE #81	833219290001		OFFICE SUPPLIES	
					OFFICE SUPPLIES	43.23
					OFFICE SUPPLIES	162.38
					Total :	205.61
213464	4/20/2016	pl103c PLANT CONSTRUCTION COMPANY, LP	04/15/2016STMT		PUBLIC WORKS COST RECOVERY	
					PUBLIC WORKS COST RECOVERY	-132.00

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213464	4/20/2016	pl103c PLANT CONSTRUCTION COMPANY, LP	(Continued)		DAMAGE DEPOSIT	132.00
					DAMAGE DEPOSIT	1,868.00
					Total :	1,868.00
213465	4/20/2016	ra026c R & S ERECTION OF SANTA ROSA	0075939-IN		EQUIPMENT MACHINERY MAINTEN	614.00
					EQUIPMENT MACHINERY MAINTEN	614.00
					Total :	614.00
213466	4/20/2016	re141c RENNE SLOAN HOLTZMAN SAKAI	30750		200 NELLEN PROPERTY	125.00
			30751		CORTE MADERA INN	4,387.50
			30752		GENERAL PLANNING	4,325.00
			30753		MARIN COUNTY DAY SCHOOL	585.00
			30754		NON-LITIGAITON	7,046.28
			30755		RESTORAITON HARDWARE	585.00
					Total :	17,053.78
213467	4/20/2016	ri041c RICOH USA, INC. - CORP YARD, 89846-10	96652267		PHOTOCOPYING EQUIP. MAINT.	209.29
					PHOTOCOPYING EQUIP. MAINT.	209.29
					Total :	209.29
213468	4/20/2016	sc108c SCHROTH, ERIK	R-35645		MISC. CHAINSAW PARTS	38.97
			R-35696		FUEL FOR U-14	40.01
					Total :	78.98
213469	4/20/2016	sh100c SHAMROCK MATERIALS, INC. 11735	911973		CRUSHED ROCK	185.66
			911973-DISC		DISCOUNT TAKEN	

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213469	4/20/2016	sh100c SHAMROCK MATERIALS, INC. 11735	(Continued)			
			912256		DISCOUNT TAKEN	-3.40
					RIP RAP	
					RIP RAP	265.49
			912256-DISC		DISCOUNT TAKEN	
					DISCOUNT TAKEN	-4.86
			912257		CLASS II A.B.	
					CLASS II A.B.	258.82
			912257-DISC		DISCOUNT TAKEN	
					DISCOUNT TAKEN	-4.74
			912349		RIP RAP	
					RIP RAP	42.83
			912349-DISC		DISCOUNT TAKEN	
					DISCOUNT TAKEN	-0.78
			912350		CRUSHED ROCK	
					CRUSHED ROCK	119.63
			912350-DISC		DISCOUNT TAKEN	
					DISCOUNT TAKEN	-2.19
					Total :	856.46
213470	4/20/2016	ve125c VERIZON WIRELESS 670722771-2	9763237038		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	168.01
					UTILITIES - TELEPHONE	168.02
					Total :	336.03
213471	4/20/2016	ve023c VERIZON WIRELESS-6707227710001	9763237037		TELEPHONE - CORP. YARD	
					TELEPHONE - CORP. YARD	755.15
					TELEPHONE - ENG.	53.39
					Total :	808.54
213472	4/20/2016	wi132c WILLDAN FINANCIAL SVCS.	010-30618		OLDLAND	
					OLDLAND	649.89
					PARKING GACILTUY A.D.	88.71
					Total :	738.60
213473	4/20/2016	sm105c WORLD TREE SERVICE, INC.	6041		TREE MAINTENANCE @ MINKE PAI	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

<u>Voucher</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>PO #</u>	<u>Description/Account</u>	<u>Amount</u>
213473	4/20/2016	sm105c	WORLD TREE SERVICE, INC.	(Continued)	TREE MAINTENANCE @ MINKE PAI	2,120.00
					Total :	2,120.00
38 Vouchers for bank code : bom						Bank total : 160,260.10
38 Vouchers in this report						Total vouchers : 160,260.10

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213474	4/27/2016	al050c ALHAMBRA AND SIERRA SPRINGS, 2877	5139740 041716		WATER WATER	70.20 Total : 70.20
213475	4/27/2016	al047c ALHAMBRA AND SIERRA SPRINGS, 3274	6037959- 041716		WATER WATER WATER WATER WATER	8.70 8.70 8.70 8.70 8.72 Total : 43.52
213476	4/27/2016	am500c AMERICAN POWER CORP.	5217		EQUIPMENT REF - STATION PUMP EQUIPMENT REF - STATION PUMP	2,937.58 Total : 2,937.58
213477	4/27/2016	at110c AT & T MOBILITY-287016673845	287016673845x042316 287245897656x041716		UTILITIES - TELEPHONE UTILITIES - TELEPHONE UTILITIES - TELEPHONE UTILITIES - TELEPHONE UTILITIES - TELEPHONE UTILITIES - TELEPHONE	125.40 137.03 41.59 166.34 41.58 Total : 511.94
213478	4/27/2016	at079c AT&T - 119112770-7	03/16/16-04/15/16		UTILITIES - TELEPHONE UTILITIES - TELEPHONE	97.00 Total : 97.00
213479	4/27/2016	au104c AUTOMATED VALVE SVCS., INC.	1551		ANNUAL INSPECTION ON QTY 4 EII ANNUAL INSPECTION ON QTY 4 EII	655.00 Total : 655.00
213480	4/27/2016	ba550c BAY AREA BARRICADE SERVICE,INC	0336839-IN		STREET & TRAFFIC SIGNS STREET & TRAFFIC SIGNS	950.48

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213480	4/27/2016	ba550c	ba550c BAY AREA BARRICADE SERVICE, INC (Continued)			Total : 950.48
213481	4/27/2016	we500c	BELKORP AG, LLC	247690	JOHN DEERE GATER TE ELECTRIC JOHN DEERE GATER TE ELECTRIC	19,486.59 Total : 19,486.59
213482	4/27/2016	bo105c	BOUND TREE MEDICAL, LLC	82125983	MEDICAL SUPPLIES MEDICAL SUPPLIES	2,343.89 Total : 2,343.89
213483	4/27/2016	br150c	BRANDON TIRE SUPPLY, INC.	1000920	DISPOSAL OF TIRES DISPOSAL OF TIRES	16.00 Total : 16.00
213484	4/27/2016	ca210c	CAPFF, CALF. ASSN. OF PROF. F.F.	APRIL 2016	PREMIUM PREMIUM	16.96 Total : 16.96
213485	4/27/2016	ca036c	CATEGORY FIVE TECHNOLOGIES INC	R-35051	DRINKING FOUNTAIN DRINKING FOUNTAIN DRINKING FOUNTAIN	8,000.00 5,255.20 Total : 13,255.20
213486	4/27/2016	cd101c	CDCE INC.	107951	RECYCLE FEE FOR MONITORS RECYCLE FEE FOR MONITORS RECYCLE FEE FOR MONITORS RECYCLE FEE FOR MONITORS	2,881.00 2,881.00 11,521.26 Total : 17,283.26
213487	4/27/2016	ci115c	CIT - CUSTOMER #2000304630	28484467	COPIES COPIES COPIES COPIES COPIES	301.46 301.46 150.10 433.29 622.08 Total : 1,808.39

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213488	4/27/2016	cl106c CLICKTIME.COM	192491		CLICK TIME TRACKING SYSTEM CLICK TIME TRACKING SYSTEM	192.00
					Total :	192.00
213489	4/27/2016	co136c CODE SOURCE	8767		CMTC - CLOCK TOWER	140.00
			8768		CMTC - CLOCK TOWER	140.00
			8769		CMTC - ELEPHANT FOUNTAIN	640.00
			8775		CMTC - ELEPHANT FOUNTAIN	640.00
			8776		FIELD INSPECTION SERVICE - FOF	5,820.00
					FIELD INSPECTION SERVICE - FOF	5,820.00
					FIELD INSPECTION SERVICE APRII	4,660.00
					FIELD INSPECTION SERVICE APRII	4,660.00
					TCCM FOUTINA INSPECTION - APR	820.00
					TCCM FOUTINA INSPECTION - APR	820.00
					Total :	12,080.00
213490	4/27/2016	co121c COMCAST- 028617, 0208847, 5594, 0010(04/19/16-05/18/16		REC. CTR. "DSL" LINE REC. CTR. "DSL" LINE	61.20
					Total :	61.20
213491	4/27/2016	co100c CONDON, CARLA	03/24/2016STMT		FULL COLOR BANNER FULL COLOR BANNER	479.70
					Total :	479.70
213492	4/27/2016	co195c CORPORATE PAYMENT SYSTEMS	04/14/2016STMT		FOOD	21.47
					FOOD	21.47
					MISC. SUPPLIES	25.00
					BOOKS&BOUND	167.55
					RECREATION SUPPLIES	150.00
					RECREATION SUPPLIES	860.78
					MISC. SUPPLIES	10.64
					EQUIP. & MACH RENTAL	199.00
					MOTOR VEHC. SERV	63.82
					EQUIPT, MACH REP PARTS	76.03
					PARADISE & MADERA DEL	365.47
					MISC. SUPPLIES	92.96

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213492	4/27/2016	co195c	CORPORATE PAYMENT SYSTEMS		(Continued)	
					OFFICE SUPPLIES	18.88
					EDUCATION/TRAINING	821.00
					RECREATION SUPPLIES	224.99
					ADMISSION & LODGING	75.00
					MISC. SUPPLIES	49.79
					EDUCATION/TRAINING	33.85
					MISC. SUPPLIES	41.48
					JANITORAIL SUPPLIES	236.79
					FUEL-GASOLINE	14.00
					RECREATION SUPPLIES	2,546.25
					PUBLITY & MARKETING	89.06
					MISC. SUPPLIES	567.84
					PERMIT TECH RECURT	48.93
					MEETING EXPENSE	57.06
					MISC. SUPPLIES	22.95
					PUBLICITIV & MARKETING	539.13
					RECREATION SUPPLIES	46.48
					RECREATION SUPPLIES	140.67
					MISC. PROF & SPECIALIZED SERV	54.50
					MISC. PROF & SPECIALIZED SERV	54.50
					OFFICE SUPPLIES	54.49
					OFFICE SUPPLIES	21.30
					MARETING	124.99
					MOTOR VEHC PARTS	310.14
					MISC. SUPPLIES	935.25
					MEETINGS	55.59
					CHEMICALS & GASES	476.52
					EDUATION & TRAINING	755.00
					OFFICE SUPPLIES	152.80
					MISC. SUPPLIES	45.74
					MOTOR VEHC. SERV	76.03
					MOTOR VEHC. SERV	76.03
					MOTOR VEHC. SERV (S1)	524.25

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213492	4/27/2016	co195c	CORPORATE PAYMENT SYSTEMS	(Continued)		
					MOTOR VEHC. SERV (S19-S73)	524.25
					AGGREGATES & BINDERS	964.32
					PARADISE & MADERA DEL	163.76
					MISC. SUPPLIES	181.18
					PUBLICITY & MARKETING	380.13
					ADMISSION LODGING	1,200.00
					UTILITIES TELEPHONE	321.62
					RECREATION SUPPLIES	64.37
					NON-OFFICE FURNITURE	493.79
					OFFICE SUPPLIES	59.29
					MISC. SUPPLIES	108.09
					MEMBERSHIP, DUES	215.00
					PUBLITY & MARKETING	59.98
					RECREATOIN SUPPLIES	-1,270.00
					RECREATION SUPPLIES	86.12
					MOTOR VEHC. PARTS	20.45
					MEETINGS	90.04
					MISC. SUPPLIES	76.29
					MEDICAL SUPPLIES	91.00
					BOOKS & BOUNDS	57.00
					DOIMAIN REGISTR.	49.00
					RECREATION SUPPLIES	1,030.05
					OFFICE SUPPLIES	180.26
					Total :	16,469.99
213493	4/27/2016	co755c	CORTE MADERA CHAMBER OF COMM., MARCH 2016			
					CONTRIBUTION & SUBSIDIES	
					CONTRIBUTION & SUBSIDIES	15,049.55
					ADMINISTRATION	172.00
					FINANCE DEPT COST RECOVERY	-172.00
					Total :	15,049.55
213494	4/27/2016	pe176c	CORTE MADERA-PERS HEALTH BENEF MAY-16			
					SERVICE CHARGE	
					SERVICE CHARGE	347.38

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213494	4/27/2016	pe176c CORTE MADERA-PERS HEALTH BENEF	(Continued)		RETIRED	5,875.00
					LAPPER, MICHAEL	746.47
					PRETE	-133.53
					QUADROS	-133.53
					Total :	6,701.79
213495	4/27/2016	ma120c COUNTY OF MARIN	MARHC 2016		MARIN TOURISM	
					MARIN TOURISM	15,049.55
					ADMINISTRATION	172.00
					FINANCE DEPT COST RECOVERY	-172.00
					Total :	15,049.55
213496	4/27/2016	da025c D & K AUTO SERVICES	50334		OIL FILTER	
					OIL FILTER	30.00
					OIL FILTER	34.48
					OIL FILTER	30.00
			50339		MOTOR VEHICLE SERVICE - REC E	
					MOTOR VEHICLE SERVICE - REC E	106.78
					Total :	201.26
213497	4/27/2016	dc115c DC ELECTRIC GROUP, INC.	25702		TS - ROUTINE	
					TS - ROUTINE	1,952.26
			25703		TRAFFIC SIGNAL MAINT MARCH -21	
					TRAFFIC SIGNAL MAINT MARCH -21	-131.18
					TRAFFIC SIGNAL MAINT MARCH -21	2,230.40
					TRAFFIC SIGNAL MAINT MARCH -21	328.03
			25730		SL ROUTINE	
					SL ROUTINE	1,085.76
					Total :	5,465.27
213498	4/27/2016	de105c DE FRANCIS, TONI	04/15/2016STMT		MINUTES CLERK	
					MINUTES CLERK	180.00
					Total :	180.00
213499	4/27/2016	de305c DELTA DENTAL OF CALIFORNIA	MAY 2016		RETIREE HEALTH BENEFITS	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213499	4/27/2016	de305c DELTA DENTAL OF CALIFORNIA	(Continued)		RETIREE HEALTH BENEFITS	1,560.09
					Total :	1,560.09
213500	4/27/2016	de030c DENT, TONY	04/17/2016STMT		GOLDEN HIND SANITARY STAITON	8,722.00
					GOLDEN HIND SANITARY STAITON	8,722.00
					Total :	8,722.00
213501	4/27/2016	dm101c DMV RENEWAL	LIC#4HM2978		DMV RENEWAL	10.00
					DMV RENEWAL	10.00
					Total :	10.00
213502	4/27/2016	ev109c EVERBANK COMMERCIAL FINANCE	3695306		PHOTO COPY EQUIPMENT MAINTENANCE	799.23
					PHOTO COPY EQUIPMENT MAINTENANCE	799.23
					Total :	799.23
213503	4/27/2016	fi032c FIEDLER, NANCY A.	R-35048		REIMBURSEMENT FOR SENIOR BINGHAM	22.97
					REIMBURSEMENT FOR SENIOR BINGHAM	22.97
					Total :	22.97
213504	4/27/2016	fi075c FIRE KING FIRE PROTECTION, INC	WO-3330		BUILDING MAINTENANCE	419.09
					BUILDING MAINTENANCE	419.09
					Total :	419.09
213505	4/27/2016	fi125c FISCHER, RYAN - FLEX BENEFITS	04/20/2016STMT		FLEX - 125	1,499.94
					FLEX - 125	1,499.94
					Total :	1,499.94
213506	4/27/2016	fi114c FLATTER, MARK-FLEX BENEFITS	04/20/2016STMT		FLEX - 125	1,199.90
					FLEX - 125	1,199.90
					Total :	1,199.90
213507	4/27/2016	fo185c FORSTER & KROEGER LANDSCAPE, MA	5405		BASEBALL DIAMOND AT SAN CLEMENS	2,770.00
			5406		BASEBALL DIAMOND AT SAN CLEMENS	2,770.00
					BASEBALL DIAMOND IN TOWN PARK	2,770.00
					BASEBALL DIAMOND IN TOWN PARK	2,770.00

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213507	4/27/2016	fo185c fo185c FORSTER & KROEGER LANDSCAPE (Continued)				Total : 5,540.00
213508	4/27/2016	ga107c GABBARD, NICHOLAS - FLEX	04/20/2016STMT		FLEX - 125 FLEX - 125	960.00 Total : 960.00
213509	4/27/2016	gr027c GREEN VALLEY TRACTOR, INC.	122339		EQUIPMENT, MAHINCRY & REPLAC EQUIPMENT, MAHINCRY & REPLAC	180.21 Total : 180.21
213510	4/27/2016	he105c HERTZ EQUIPMENT RENTAL	28595715-001		6.8 GALLON OF LIQUID PROPANE 6.8 GALLON OF LIQUID PROPANE	29.57 Total : 29.57
213511	4/27/2016	ho017c HONING, JILL	FOLIO #245321		TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX	89.92 89.92 359.56 Total : 539.40
213512	4/27/2016	ho175c HORIZON	1Q065302		IRRIGATION SUPPLIES IRRIGATION SUPPLIES	410.93 Total : 410.93
213513	4/27/2016	ja026c JAG INDUSTRIAL	FOLIO #243141		TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX	108.52 108.52 433.96
			FOLIO #243143		TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX	108.52 108.52 433.96
			FOLIO #243145		TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX TRANSIENT OCCUPANCY TAX	108.52 108.52 433.96

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213513	4/27/2016	ja026c JAG INDUSTRIAL	(Continued) FOLIO #243146		TRANSIENT OCCUPANCY TAX	
					TRANSIENT OCCUPANCY TAX	108.52
					TRANSIENT OCCUPANCY TAX	108.52
					TRANSIENT OCCUPANCY TAX	433.96
			FOLIO #243148		TRANSIENT OCCUPANCY TAX	
					TRANSIENT OCCUPANCY TAX	89.92
					TRANSIENT OCCUPANCY TAX	89.92
					TRANSIENT OCCUPANCY TAX	359.56
			FOLIO #243149		TRANSIENT OCCUPANCY TAX	
					TRANSIENT OCCUPANCY TAX	89.92
					TRANSIENT OCCUPANCY TAX	89.92
					TRANSIENT OCCUPANCY TAX	359.56
			FOLIO #243473		TRANSIENT OCCUPANCY TAX	
					TRANSIENT OCCUPANCY TAX	89.92
					TRANSIENT OCCUPANCY TAX	89.92
					TRANSIENT OCCUPANCY TAX	359.56
			FOLIO #243980		TRANSIENT OCCUPANCY TAX	
					TRANSIENT OCCUPANCY TAX	89.92
					TRANSIENT OCCUPANCY TAX	89.92
					TRANSIENT OCCUPANCY TAX	359.56
					Total :	4,761.60
213514	4/27/2016	je035c JETMULCH, INC.	4553-OL		ASTM CERTIFIED ENGINEERED W	
					ASTM CERTIFIED ENGINEERED W	3,269.18
					Total :	3,269.18
213515	4/27/2016	jj101c JIM CORBET'S ACE HARDWARE	03/28/2016STMT		BUILDING MAINTENANCE SUPPLIE	
					BUILDING MAINTENANCE SUPPLIE	39.67
					Total :	39.67
213516	4/27/2016	jo124c JOHNSON, ROBERT B.	6554		CORP YARD WASK RACK	
					CORP YARD WASK RACK	486.14
					Total :	486.14
213517	4/27/2016	kb100c KBA DOCUSYS	INV428247		BALCK TONER - PLANNING/BLDG	

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213517	4/27/2016	kb100c KBA DOCUSYS	(Continued)		BALCK TONER - PLANNING/BLDG	12.95
					Total :	12.95
213518	4/27/2016	ko200c KOCH, JANICE	MARCH - APRIL 2016		FIRE/FIGHTER RECURITMENT	102.53
					FIRE/FIGHTER RECURITMENT	705.97
					CONTRACT CLIVI ENG.SER	521.43
					PERMIT TECH RECT.	
					Total :	1,329.93
213519	4/27/2016	ln075c L.N. CURTIS & SONS	1391245-08		CLOTHING, UNIFORMS	353.81
					CLOTHING, UNIFORMS	
					Total :	353.81
213520	4/27/2016	li117c LINCOLN NAT'L LIFE INS CO, THE	MAY 2016		FINANCE	-4.45
					FINANCE	2.87
					PLANNING	59.52
					BUILDING	-4.67
					PUBLIC WORKS-731	-2.18
					RECREATION	
					Total :	51.09
213521	4/27/2016	ma026c MARIN HUMANE SOCIETY	04/18/2016STMT		CONTACT INSTRUCTOR	124.75
					CONTACT INSTRUCTOR	
					Total :	124.75
213522	4/27/2016	mc100c MC MASTER-CARR, SUPPLY CO.	54874860		HAND TOOLS AND MINOR EQUIPM	26.96
					HAND TOOLS AND MINOR EQUIPM	15.00
					HAND TOOLS AND MINOR EQUIPM	
					Total :	41.96
213523	4/27/2016	ms105c MSM, INC.	093256		JANITORIAL SUPPLIES	130.75
					JANITORIAL SUPPLIES	
					Total :	130.75
213524	4/27/2016	mu045c MUNIQUIP LLC	103421		WIRELESS REAL TIME ALARM SYS	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213524	4/27/2016	mu045c MUNIQUIP LLC	(Continued)		WIRELESS REAL TIME ALARM SYS	7,135.80
					Total :	7,135.80
213525	4/27/2016	ne100c NERVIANI PAVING, INC.	4721		MONTICETO RD - ASPHALT	1,100.00
			4727		MATEO DR	3,500.00
					MATEO DR	3,500.00
					Total :	4,600.00
213526	4/27/2016	of026c OFFICE DEPOT - TOWN HALL	8343510055001		OFFICE SUPPLIES	
					HANDSOAP	8.70
					MEETINGS	10.46
					MEETINGS	10.46
					MEETINGS	10.46
					MEETINGS	10.45
					OFFICE SUPPLIES	164.32
					HANDSOAP	8.70
					Total :	223.55
213527	4/27/2016	oh100c O'HEHIR, JOANNE	Invoice No. 5		CORTE MADERA INN	
					CORTE MADERA INN	422.50
					502 CHAPMAN DR	178.75
					359 CHAPMAN DR	422.50
			Invoice No. 6		CORT MADERA INN	
					CORT MADERA INN	980.20
					MINUTES	37.70
					Total :	2,041.65
213528	4/27/2016	on025c ONGARO & SONS, INC., ERNEST	164987		TEST 18 BF'S	
					TEST 18 BF'S	1,150.00
					Total :	1,150.00
213529	4/27/2016	pa031c PARISI TRANSPORTATION	16083		TAMAL VISTA BIKE LANES	
			16128		TAMAL VISTA BIKE LANES	3,581.03
					TAMAL VISTA BIKE LANES	3,581.03

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213529	4/27/2016	pa031c PARISI TRANSPORTATION	(Continued)		TAMAL VISTA BIKE LANES	1,521.13
					Total :	5,102.16
213530	4/27/2016	pr201c PRETE, KENNETH - FLEX BENEFITS	04/20/2016STMT		FLEX BENEFITS FLEX BENEFITS	66.00
					Total :	66.00
213531	4/27/2016	ri042c RICOH USA, INC., (FIRE)	96712311		CANON LEASE CANON LEASE	313.52
					Total :	313.52
213532	4/27/2016	ro275c ROSS RECREATION EQUIP.CO.,INC.	98563		PLAYGROUND CAPITAL MAINT. PLAYGROUND CAPITAL MAINT.	1,482.46
					Total :	1,482.46
213533	4/27/2016	sa100c SAFETY-KLEEN SYSTEMS, INC., TAX DE	69907253		HAZARDOUS WASTE DISPOSAL HAZARDOUS WASTE DISPOSAL	414.08
					Total :	414.08
213534	4/27/2016	sa025c SAN ANSELMO, TOWN OF	R-35861		MCCMC DINNER MCCMC DINNER	275.00
					Total :	275.00
213535	4/27/2016	sc041c SCHOOL OUTFITTERS	R-35049		STAGE SECTIONS STAGE SECTIONS	1,731.68
					Total :	1,731.68
213536	4/27/2016	sh100c SHAMROCK MATERIALS, INC. 11735	912445		TECH/SOIL TECH/SOIL	76.48
			912445-DISC		DISCOUNT TAKEN DISCOUNT TAKEN	-1.40
			912741		TECH/OIL AND DECOMPOSED GRA TECH/OIL AND DECOMPOSED GRA	187.63
			912741-DISC		DISCOUNT TAKEN DISCOUNT TAKEN	-3.43

Voucher List
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213536	4/27/2016	sh100c sh100c SHAMROCK MATERIALS, INC.	11735 (Continued)			Total : 259.28
213537	4/27/2016	si117c SIERRA DISPLAY, INC.	20636		ADDITIONAL CHARGES FOR INSTA ADDITIONAL CHARGES FOR INSTA	235.00 Total : 235.00
213538	4/27/2016	sp109c SPARK	APRIL-16		SLOAN BAILEY - DONATION OF MO SLOAN BAILEY - DONATION OF MO	350.00 Total : 350.00
213539	4/27/2016	ta025c T & B SPORTS, INC.	00026144 253830-00		REC. SUPPLIES REC. SUPPLIES REC. SUPPLIES REC. SUPPLIES	65.27 81.07 Total : 146.34
213540	4/27/2016	ti124c TIFCO INDUSTRIES	71141694 71141750 71142691		DRILL BITS DRILL BITS CS INDUSTRIAL CHEMICAL CS INDUSTRIAL CHEMICAL RETRACTABLE RATCHET RETRACTABLE RATCHET	220.01 184.96 189.17 Total : 594.14
213541	4/27/2016	bo101c TOWNSEND, MICHAEL D.	04/17/2016STMT 81 LUCY DR HIGH CANAL MATEO DRIVE MONTECITO/GROVE PARADISE/VERON		REC CENTER BASEBALL FIELD REC CENTER BASEBALL FIELD WIDE OF CONCRETE AT SERVCIE / WIDE OF CONCRETE AT SERVCIE / INSTALL RIP RAP INSTALL RIP RAP REMOVE AND REPLACE SEWER M REMOVE AND REPLACE SEWER M REMOVE AND REPLACE SEWER M REMOVE AND REPLACE SEWER M DRAIN FROM CATCH BASIN TO CA DRAIN FROM CATCH BASIN TO CA	1,500.00 2,843.00 3,913.00 7,033.00 6,863.00 7,064.00

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213541	4/27/2016	bo101c TOWNSEND, MICHAEL D.	(Continued) PARK MADERA CNT		SIDEWALK, CURB AND GUTTER SIDEWALK, CURB AND GUTTER	7,996.00
					Total :	37,212.00
213542	4/27/2016	tu200c TURF STAR, INC.	6933262-00		EQUIPMENT MACHINERY MAINT. EQUIPMENT MACHINERY MAINT.	205.46
			6933262-01		EQUIPMETN MACHINERY MAINT. EQUIPMENT, MACHINERY & REPLA EQUIPMENT, MACHINERY & REPLA	200.00 70.14
					Total :	475.60
213543	4/27/2016	va026c VAN RENSELAAR, ERIK-FLEX BENEFITS	04/20/2016STMT		FLEXT - 125 FLEXT - 125	2,549.82
			04/20/2016STMT-1		FLEX - 125 FLEX - 125	1,125.00
					Total :	3,674.82
213544	4/27/2016	va036c VAUGHN, REBECCA - FLEX BENEFITS	04/20/2016STMT		FLEX - 125 FLEX - 125	917.76
					Total :	917.76
213545	4/27/2016	vi100c VSP (CA) #00 114728 0001 MAPE, ATTN: / MAY 2016			MEJIA MEJIA RAVINA SANTOS VELAZQUEZ DOWNING PAYES MITCHELL	17.01 17.01 17.01 17.01 17.01 17.01 17.01
					Total :	119.07
213546	4/27/2016	vi099c VSP (CA) ACCT: 12 220077 0001, ATTN: A	04/25/2016STMT		RETIREE HEALTH BENEFITS RETIREE HEALTH BENEFITS	280.11
					Total :	280.11

Voucher List
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
213547	4/27/2016	wa050c	WARMAN, JR., GEORGE T. - FLEX BENE	04/20/2016STMT	FLEX BENEFITS FLEX BENEFITS	365.07
Total :						365.07
213548	4/27/2016	wa305c	WATERSAVERS IRRIGATION, INC.	1680508-00	MISC. PROF. SPECIALIZED SERVIC MISC. PROF. SPECIALIZED SERVIC	18,088.26
Total :						18,088.26
213549	4/27/2016	wo153c	WOLFF, ADAM - FLEX BENEFITS	04/20/2016STMT	FLEX - 125 FLEX - 125	640.00
Total :						640.00
76 Vouchers for bank code : bom						Bank total : 251,794.83
76 Vouchers in this report						Total vouchers : 251,794.83

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**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: April 28, 2016
MEETING DATE: May 3, 2016

TO: TOWN MANAGER, MAYOR AND COUNCIL MEMBERS

FROM: PHIL BOYLE, SENIOR PLANNER

SUBJECT: TO CONSIDER AN APPEAL (PL-2016-0023-APTC) OF THE PLANNING COMMISSION'S APPROVAL OF RESOLUTION 16-009 THAT APPROVED WITH MODIFICATIONS DESIGN REVIEW PERMIT NO. 15-019, ALLOWING AN APPROXIMATELY 465 SQ. FT. ADDITION TO THE EXISTING RESIDENCE AT 359 CHAPMAN DRIVE. THE MODIFICATIONS APPROVED BY THE COMMISSION INCLUDED REDUCING THE ROOF HEIGHT OF THE ADDITION, REDUCING THE SIZE OF THE ADDITION, INSTALLING LANDSCAPE SCREENING AND AT THE APPLICANT'S DISCRETION, MODIFYING THE WINDOWS ON THE NORTH ELEVATION OF THE ADDITION.

SITE: 359 CHAPMAN DRIVE

APPELLANT: JENNIFER LARSON

PURPOSE:

To consider the appeal filed on March 18, 2016 (Attachment 1) by the resident of 355 Willow Avenue (Jennifer Larson) of the Planning Commission's approval of resolution 16-009 that approved with modifications Design Review Permit No. 15-019, which allowed an approximately 465 sq. ft. addition to the existing residence at 359 Chapman drive.

STAFF RECOMMENDATION:

Staff recommends that the Town Council adopt the attached Resolution 14/2016 (Attachment 2) upholding and affirming the decision of the Planning Commission of March 8, 2016, which approved with modifications Design Review Permit No. 15-019, allowing an approximately 465 sq. ft. addition to the existing residence at 359 Chapman Drive. The modifications approved by the Commission included reducing the roof height of the addition, reducing the size of the addition, installing landscape screening and at the applicant's discretion modifying the windows on the north elevation of the addition

TOWN MANAGER'S RECOMMENDATION:

Support Planning Commission's recommendation.

CEQA STATUS:

The planning department determined that the project is exempt from the California Environmental Quality Act under CEQA guidelines section 15301 class(e)(2) – existing facilities.

SUMMARY:

The property of 359 Chapman Drive filed a Minor Design Review Application No. 15-019 for 465 square foot addition to his existing residence on July 9 2016. The proposed single story addition and remodel includes a master suite and a dining area addition toward the west.

Staff worked extensively with both the applicant and the neighbor at 355 Willow Ave (the appellant) over several months meeting on the site and individually at Town Hall to attempt to reach a compromise. Prior to approving the DR Application, staff asked both parties if they were willing to offer compromises that could be made to resolve any issues. The owner of 355 Willow Avenue did state in a letter that she would be open and amendable to options that would allow the neighbor to add square footage, but that would not involve blocking her view and limiting her future options to add patio space. No specific compromises were offered, so staff proposed two conditions to mitigate the privacy and visual impacts from the master bedroom addition which includes two new windows (3⁰4⁶) on the north elevation and the increase in roof height (±11.5' to ±17'). The two conditions included in the approval letter are:

1. Plans submitted for building permit shall include a solid wood fence with a height of 8 feet from at least the eastern end of the addition to the western end of the addition. The applicant shall also include a letter of consent from the owner of 355 Willow Avenue approving the location and height of the fence.
2. Plans submitted for building permit shall also include a 3½ and 12 roof pitch throughout the building to reduce the bulk, mass and impact of the building.

On February 5, 2016, the Zoning Administrator approved Design Review Application No. 15-019. This approval was based on the fact that the project met the height, setback, lot coverage and floor area ratio regulations for the R-1 Medium Density Residential Zoning District and that staff made all of the required Design Review Findings listed in the CMMC, Section 18.30.070.(Attachment 5): .

On February 12, 2016, the adjacent property owner to the north (355 Willow Avenue - Larson) filed an application appealing the Town's approval of Design Review Application No. 15-019 (Attachment 4). That appeal was based on the grounds that the approval omitted multiple sections of the General Plan that focus on view preservation and that no metrics were used to evaluate the project. The appellant also stated that the addition would not only eliminate her short and long term view from the living room bay windows - the focal point of the house and her single view – but does so by constructing a massive wall in the foreground that would drastically, negatively and forever, alter the relationship of her house and property to its natural surroundings. The appellant also states that the proposed addition at 359 Chapman Drive would have a significant negative impact on the value of her home and her quality of life and that the decision to approve the Design Review Application should have been made on the basis of facts, analysis, and metrics.

On March 8 2016, the Planning Commission of the Town of Corte Madera conducted a public hearing. After reviewing the project application, documents submitted by the applicant and appellant, hearing from the appellant, applicant and members of the public, the Planning Commission approved modifications to the Planning Director's approval of Design Review Permit No. 15-019. The modifications included:

- a. The maximum height of the roof of the addition shall not exceed 12 feet 6 inches.
- b. The west wall of the addition shall not extend more than 16 feet 2 inches from the existing west wall of bedroom #1 (1 foot less than proposed in the plans).
- c. Screen plantings shall be installed by the property owner of 359 Chapman Drive along the northern property line to shield the bulk of the new northern wall of the addition. These plantings shall be maintained by the property owner of 359 Chapman Drive to not exceed the height of the eve of the addition at any time.
- d. At the applicant's discretion, the proposed windows on the northern wall of the addition can be removed or moved horizontally. They cannot be enlarged or moved vertically.

On March 18, 2016 the resident of 355 Willow Avenue (Larson), filed an appeal of the Planning Commission's March 8, 2016 decision to modify the Planning Director's approval of Design Review Permit No. 15-019.

In summary, the appeal to the Town Council is based on the following grounds:

- 1) That the proposed addition eliminates the appellant's short and long ranges views and would drastically, negatively and forever, alter the relationship of her house and her property to its natural surroundings.
- 2) The application and hearing process was unfair and the Planning Commission proceedings were a breach of protocol and her due process rights.
- 3) Community members support her view that the Town's process and approval are unreasonable and unfair.

ANALYSIS:

Pursuant to Chapter 18.34.080 - Town Council Action of the Town of Corte Madera Municipal Code, *On an appeal from a decision of the Planning Commission ... the town council shall hold a public hearing on the matter on the prescribed date. The town council may affirm, reverse or modify the decision of the planning commission. The town council may remand the matter to the planning commission for its determination of appropriate conditions or the town council may make its own determination of appropriate conditions.*

The following is a summary of the justifications for the appeal presented by the appellant and a response from staff. The full text of the appellant's statement is included in Attachment 1 and staff has numbered each justification for easier reference.

Appeal Justification #1

The proposed addition eliminates the appellants short and long ranges views and would drastically, negatively and forever, alter the relationship of her house and her property to its natural surroundings.

Staff Response #1

As required by the Corte Madera Municipal Code (CMMC) Section 18.30.070 in order to grant a Design Review Application, the Zoning Administrator/staff must make all of the required findings (Attachment 5). The first finding states that: *The project conforms with the General Plan, any applicable Specific Plan, and all provisions of the Zoning Ordinance.*

As stated in many residential Design Review Applications, staff demonstrated that the addition at 359 Chapman Drive is in conformance with General Plan Land Use Policies:

LU-2.4 - Ensure that new residential development and upgrades to existing residential

development are compatible with existing neighborhood character and structures and

LU-2.5 - Encourage property owner reinvestment in upgrades to existing residences and related property improvements.

The approval letter further went on to say that "The proposed remodel and additions to the existing single family residence at 359 Chapman Drive will be an improvement to the property. The proposed improvements are consistent with the General Plan because they will upgrade the existing facility and may encourage property owners to reinvest in existing and new residential projects.

It is correct that the GP acknowledges that views are an important consideration when considering residential development. Many references to views in the GP are general in nature as in Chapter 1 Introduction – "Residents value the local environment including the open Bay front, salt marshes, woodsy hillsides, and expansive views." Many other references to views in the GP outline policies to be implemented in the creation of Design Guidelines for residential development - 5.3 RESIDENTIAL DESIGN GUIDING PRINCIPLES – ".....The evaluation and analysis of new or expansion projects must balance the needs of the home owner with potential neighborhood impacts affecting views, sunlight, privacy and safety. This balance must be determined on a case-by-case basis...." And a more specific reference to views is listed in GP - POLICY LU-2.8 – "Views shall be considered when evaluating new residential development proposals, including additions to existing homes, consistent with Community Design Policies CD-1.4 (Activity Centers and CD-1.5 (Outdoor Lighting), View preservation shall be balanced with a property owner's right to develop."

As noted above, the GP is clear that a balancing test is necessary between view preservation and the right to develop one's property. There is no bright line or objective measure offered in the GP or elsewhere that defines when views take precedent over an owner's desired development plans allowed by code, but rather, it is staff's, the Planning Commission's, and the Town Council's role to balance the competing interests of the parties.

When evaluating the impacts of the addition at 359 Chapman Drive to 355 Willow Avenue staff looked closely at the potential view impacts and in staff's view found that they were not significant enough to warrant denying the project especially with the compromises that were required with the two added conditions of approval.

The Planning Commission upheld staff's determination and added the following conditions to address appellant's objections to the application:

- a. The maximum height of the roof of the addition shall not exceed 12 feet 6 inches (approximately 1 foot lower than proposed in the plans).
- b. The west wall of the addition shall not extend more than 16 feet 2 inches from the existing west wall of bedroom #1 (1 foot less than proposed in the plans).
- c. Screen plantings shall be installed by the property owner of 359 Chapman Drive along the northern property line to shield the bulk of the new northern wall of the addition. These plantings shall be maintained by the property owner of 359 Chapman Drive to not exceed the height of the eve of the addition at any time.
- d. At the applicant's discretion, the proposed windows on the northern wall of the addition can be removed or moved horizontally. They cannot be enlarged or moved vertically

Appeal Justification #2

The application and hearing processing was unfair. The Planning Commission proceedings were a remarkable breach of protocol and a breach of the appellant's due process rights. The Commission broke its own rules, allowed the Town to be bullied by the applicant and reversed course to placate the applicant.

Staff Response #2

The purpose and procedures of the Town of Corte Madera Planning Commission are described in Chapter 2.16 - Planning Commission of Corte Madera Municipal Code (CMMC) (Attachment 6).

The purpose of the Planning Commission is to make adequate provision for, and guide the future growth, development, beautification and efficient planning of the town. The planning commission shall consist of five members to be appointed by the mayor with the approval of the town council. Three members of the commission shall constitute a quorum.

The Planning Commission Meeting held on March 8, 2016 was properly noticed per Section 18.36.040 of the Town of Corte Madera Municipal Code - Notice of application and/or public hearing (Attachment 7). The notice included the date, time, place and a general description of the matter to be considered and location to be affected. The notice was distributed not fewer than ten days prior to the date of hearing. The notice was posted in at least three public places in the town (Town Hall, east and west side fire stations and the Town library). The notice was also sent to all owners and tenants within three hundred feet of the property which is the subject of the hearing.

At the March 8, 2016 public hearing the Commission followed the established procedure for hearings. Staff provided a presentation, including Power Point slides which summarized the project approval process and the appeal. Then the appellant made her presentation followed by comments from the applicant and public. Both appellant and applicant were provided the opportunity to respond to comments. The Commission then discussed the project, asked additional questions of staff and approved the resolution (#16-009) modifying the original Design Review application.

The March 8, 2016 public hearing was conducted consistent with the Planning Commission Rules and Procedures 2015 (Attachment 8).

Appeal Justification #3

Community members support the appellant's view that the Town's process and approval is unreasonable and unfair. The appellant has provided several letters of support (Attachment 1).

Staff Response #3

As described in staff response #2, the Planning Staff and the Planning Commission followed the procedures as provided in the Corte Madera Municipal Code and the 2015 Planning Commission Rules and Procedures.

Appeal Justification #4

No meaningful assessment of the project based on the Town's Own Criteria.

Staff Response #4

See staff response #1 above.

Appeal Justification #5

Non-adherence with Muni Code 18.30.070 – Required Findings

Staff Response #5

Section 18.30.070 of the CMMC describes the findings which are required for Design Review approval. As stated in the March 8, 2016 staff report, staff and the Planning Commission were able to make all of the design review findings required for the addition. Furthermore, the Commission required the applicant to modify the project to reduce its impact to the appellant's property by reducing the size and height of the addition. The findings made and the conditions of approval attached to the project are contained in the March 8, 2016 staff report and attachments (Attachment 9). The applicant has provided revised the plans to meet the requirements of the Planning Commission. (Attachment 12)

Appeal Justification #6

Non-adherence with Muni Code 18.30.020 – Scope of Design Review

Staff Response #6

As stated above in Response #5, staff and the Planning Commission made all of the required Design Review findings for the addition which encompasses the scope of the design review process outlined in CMMC 18.30.020.

Appeal Justification #7

Non-adherence with many specific sections of General Plan Community Design and Land Use Policies.

Staff Response #7

See Response #4 above.

Appeal Justification #8

Non-adherence with General Plan Community Design Implementation Program CD-2.5.a: View Definitions.

Staff Response #8

GP Implementation Program CD-2.5.a directs the Town to develop Design Guidelines that address views. The Town has not implemented CD-2.5.a, however as stated above the project was carefully analyzed under Design Review Finding #3 which requires views be considered by both Staff and the Planning Commission.

Appeal Justification #9

The Planning determination was in error because the appellant's rights of due process were violated.

Staff Response #9

As stated above in staff response #3 the Commission followed all Town requirements during the March 8, 2016 public hearing process.

Appeal Justification #10

No attention paid to community input.

Staff Response #10

During the March 8, 2016 public hearing the staff report was presented which included written comments from the public and the public was given the opportunity to address the Commission.

Appeal Justification #11

No real due diligence based on the General Plan and Muni Code.

Staff Response #11

See staff response #1 and #4.

Appeal Justification #12

Breach of protocol in relation to comments by commissioners while visiting 355 Willow Ave and during the March 8, 2016 public hearing.

Staff Response #12

Planning Commissioners made disclosures at the March 8, 2016 hearing that they had visited both the applicant and appellant properties. No complaints were made by appellant at the March 8, 2016 hearing that there had been any "breach of protocol" relating to comments made by Commissioners. Appellant's statement does not describe any statements made by Commissioners or explain why they were a "breach of protocol" or what the "breach of protocol" was at the March 8, 2016 meeting of the Planning Commission.

Appeal Justification #13

Expert opinion ignored.

Staff Response #1

During the March 8, 2016 public hearing the staff report was presented which included written comments from the public and, the public was given the opportunity to address the Commission during the public hearing. All members of the public were given the opportunity to speak at the public hearing or submit written comments.

Appeal Justification 14

Community input ignored.

Staff Response #14

See staff response #10 above

Appeal Justification #15

The determination, decision or interpretation was not supported by the record or facts presented. Many of the comments by the applicant were untrue.

Staff Response #15

The role of the Planning Commission is to consider all information, both written and oral, presented to them and weigh and balance the information before them when making their decision. Both applicant and appellant have made allegations that the statements or representations of each other are untrue. Planning Commission weighed and balanced all the information received and made their decision based on that information.

Appeal Justification #16

The approval is not supported by the facts and runs counter to the General Plan.

Staff Response #16

See staff response #4.

Appeal Justification #17

The appellant provided a project alternative.

Staff Response #17

During the public hearing on March 8, 2016 many project alternatives and solutions were discussed. The Planning Commission chose to modify the proposed project rather than requiring an alternative project.

OPTIONS

1. Adopt the attached resolution
2. Adopt the attached resolution with revisions
3. Do not adopt the attached resolution and grant the appeal.

ATTACHMENTS:

1. Appeal application and supplemental documentation filed on March 18, 2016 by Jennifer Larson
2. Resolution 14-2016
3. February 5, 2016 Administrative Design Review Approval letter without attachments.
4. Appeal application and supplemental documentation filed on February 12, 2016 by Jennifer Larson
5. Section 18.30.070 - Design Review Required Findings - Corte Madera Municipal Code
6. Chapter 2.16 - Planning Commission of Corte Madera Municipal Code
7. Excerpt of March 8, 2016 Planning Commission Minutes
8. 2015 Planning Commission Rules and Procedures
9. Staff Report and Attachments from March 8, 2016
10. Email correspondence from the applicant, the appellant, the Town of Corte Madera and the appellant's legal counsel.
11. Letters from neighbors
12. Site Plan, Floor Plans and Elevations for addition to 359 Chapman Dr. revised per approved modifications by Planning Commission on March 8, 2016

O:\Planning Department_02 PLANNING APPLICATIONS AND PROPERTY FILES\A-J\CHAPMAN DR\359 Chapman Dr\359 Chapman Dr. Appeal TC\TC Appeal 359 Chapman Dr report.doc

ATTACHMENT 1 -Appeal application and supplemental documentation filed
on March 18, 2016 by Jennifer Larson

RECEIVED

MAR 18 2016

RECEIVED

MAR 18 2016

TOWN OF CORTE MADERA

PLANNING AND BUILDING DEPARTMENT
300 TAMALPAIS DRIVE
CORTE MADERA, CA 94925



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

TOWN OF CORTE MADERA

Application for APPEAL

For Staff Use	
Date:	3/18/16
Rec. by:	Rebecca Hughes
Fee:	\$ 300.00 paid
App. #:	PL 2016-0023

Name:

JENNIFER CARSON Daytime Phone: 415 725 2017

Mailing Address:

355 WILLOW AVE CORTE MADERA CA 94925

I hereby appeal the decision made on MARCH 8, 2016 (date) by the

- Planning Director
- Zoning Administrator
- Planning Commission

in the matter of:

359 CHAPMAN DR. DESIGN REVIEW APPROVAL
by PLANNING COMMISSION

I request the Planning Commission Town Council to:

- Approve the application
- Deny the application
- Amend the Conditions of Approval
- Other (explain) _____

The Corte Madera Municipal Code requires appellants to state the **specific reason(s)** upon which the appeal is based, including but not limited to:

- The determination, decision, or interpretation was not consistent with the Municipal Code in the following respect(s): Attached
- The determination, decision, or interpretation was in error or was an abuse of discretion for the following reason(s): Attached
- The determination, decision, or interpretation was not supported by the record or facts presented in the following respect(s): Attached
- Other: _____

An explanation of the specific reasons for this appeal is attached.

I hereby certify that the information given is true and correct to the best of my knowledge and belief.

Signature:

Jennifer Carson

Date:

March 18, 2016

RECEIVED

MAR 18 2016

TOWN OF CORTE MADERA

Name: Jennifer Larson

Daytime Phone: 415 725 2017

Mailing Address (PLEASE USE EMAIL and POST, if only 1, EMAIL)
355 Willow Ave, Corte Madera, CA 94925

EMAIL: jl Larson@labfive.com

I hereby appeal the decision made on March 8 2016 by the Planning Commission ✓
in the matter of: Approval for 359 ChapmanDr/(Tunnel Lane) Addition.

I request the Town Council to: **Grant my Appeal and deny the application**

Introduction

- 1 • The addition proposed on Chapman not only eliminates my short and long range views from my living room bay windows – the focal point around which my house was built and my single view – but does so by constructing a massive wall in the foreground that would drastically, negatively and forever, alter the relationship of my house and property to its natural surroundings.
- 2 • The application and hearing process has been unfair. The Planning Commission proceedings were a remarkable breach of protocol and my due process rights. The Commission broke its own rules, allowed the Town to be bullied by the applicant and reversed course to placate the applicant.
- 3 • Community Members support my view that Town's process and approval are unreasonable and unfair.

The Corte Madera Municipal Code requires appellants to state the specific reason(s) upon which the appeal is based, including but not limited to:

4 **1) + The determination, decision, or interpretation was not consistent with the Town of Corte Madera's General Plan and Municipal Code in the following respect(s):**

1) No Meaningful Assessment of the Project Based on Town's Own Criteria

The Decision of the Planning Commission included less than 1 minute of discussion about the Municipal Code, General Plan or Land Use Policies in a > 1.5 hour debate about this proposed Chapman addition.

At the Appeal hearing (and in my formal appeal) I presented multiple cites and PPT slides detailing where neither the Applicant's proposal nor the Staff Report met the criteria for the Town's required Finding of Approval - but these details were not addressed by the Commission.

5

- **Non-adherence with Muni Code 18.30.070** (*presented in my Appeal, no discussion by Commission*)

(1) that requires that the project conform with the General Plan

(3) that requires that the project will not significantly and adversely affect the *views, sunlight or privacy* of any nearby residences

6

- **Non-adherence with Muni Code 18.30.020** (*presented in my Appeal, no discussion by Commission*)

(1) that requires consideration to the proposed location of the structure on its site in relation to the location of buildings on adjoining sites, with particular attention to *view considerations, privacy* and topographic or other constraints imposed by particular site conditions.

(6) that requires “Design review of single-family homes shall emphasize those aspects of design *that affect surrounding residents* or the visual character of the town”

7

- **Non-adherence with many specific sections of General Plan Community Design and Land Use Policies (CD 5.0,DC 2.5, CD 2.5a etc)** (*presented in my appeal, no discussion by Commission*)

General Plan – <http://www.ci.corte-madera.ca.us/DocumentCenter/View/272>

Many sections in the General Plan and Municipal Code include full paragraphs (incl. but not limited to: General Plan - Community Design 5.0 and Design Standard 2.5) on the importance of views, describing short and longer range views, views of hillsides and ridgelines and even go so far as to restrict landscaping that would negatively impact a neighbor’s view.

8

- **Non adherence with Community Design Standards** (example)

Implementation Program CD-2.5.a: View Definitions

A “view” is a scene from a residence and/or its active use area (such as a yard or deck), and includes both upslope and downslope scenes.

Views can be categorized as either short-range or long-range. Short range views are those predominantly limited to the particular neighborhood of the project. This can include a nearby view toward a park or include view corridors of substantially open spaces. Conversely, long-range views encompass broader and significant viewsheds of sites further away, such as views towards Mount Tamalpais and substantially open ridgelines or hillsides, and views toward San Francisco Bay, bridges and distant cities.”

9 **2) + The determination, decision, or interpretation was in error or was an abuse of discretion because the Planning Commission Hearing on March 8 violated my rights to *due process*.**

The Hearing Violated my Rights on the basis of:

a) *No Real Diligence*/No meaningful Evaluation of project based on Regulations

b) *Significant Breach of Protocol* and Normal Meeting Standards - wherein threats by the Applicant to leave the hearing and move from the Town, were met with a reversal of Commissioner opinion. The Commission was deliberating and discussing a resolution that would have required the applicant to redesign the project. When the applicant stood up and interrupted the proceedings and threatened to walk out, the Commission completely reversed course and prepared a resolution that, likely crafted to appease him, favored the applicant. I was not provided an opportunity to speak again, as the applicant was, and the Commission ignored any reasonable rules of order that would ensure fairness.

10 **3) No Attention Paid to Community Input**

a) **No Real Diligence**

11 **As in Section 1, the decision was not based on conformance with Regulations and General Plan and Muni Code requirements.**

It's notable that clear guidelines for evaluation of projects were given to the Planning Commission by Town Council in the October 7, 2014 Special Meeting of the Town Council and Planning Department.

At the Oct 7 meeting, *Town Council Members* expressed the need for the Planning Commission to review all development/project proposals on the basis of adherence to the General Plan and Town codes— going so far as to underscore that: diligence is central to the process. The Council's Minutes reflect the following:

October 7, 2014

<http://townofcortemadera.org/ArchiveCenter/ViewFile/Item/511>

Mayor Lappert

“He described the need for the Town Council to meet with the Planning Commission to review goals and priorities for FY 2014/15 and into the future, and stated that of utmost importance is to provide high quality customer service to meet expectations of everyone visiting the Town. He announced that along with maintaining a high level of customer service, his main goal is for the Town to thorough review the Town's zoning ordinance which will help address issues the Town currently faces with development.”

Councilmember Furst:

"Ensure that the Town's *ordinances and policies are updated and maintained* which will avoid a reactive structure."

"She reiterated that there be no grey areas and voiced the need to be clear, updating policies when legally required to do"

Councilmember Bailey:

"He agrees with paying attention to the process which requires whether findings can be made, which is the heart of the Commission's quasi-judicial capacity. While they may seem bureaucratic in nature, the policies are there for a good purpose."

However, in the March 8 hearing on the proposed addition at 359 Chapman, there was no discussion by the Commissioners of sections of the General Plan, nor any discussion relating this project to the Municipal Code or the General Plan.

12

2) Breach of Protocol

During the first week of March, all 5 Planning Commissioners visited my property, my house and viewed the story poles from inside and outside in the yard.

Four of the Planning Commissioners who visited my property said without equivocation that they saw that the proposed project represented a significant impact on my view. Two additionally said that they personally would not like someone proposing this in their view and one additionally said that really it was very clear what the problem was with the proposed plan in that location.

Planning Commission Hearing March 8 – comments by Staff, the Applicant, Myself - and 5 members of the public (*Peter Hensel, Tina McArthur, Nicole Litchfield, Peter Orth and Richard Willis*) who spoke to the issues of:

- view preservation and the specificity of the protected ridgeline view
- significant devaluation of my investment if an addition were allowed in this site
- lack of fairness – questioning why it seemed to be acceptable for the Applicant to gain a view and increase the value of his investment while my house would be devalued significantly
- reduction of my quality of life, reduced use of living room and limited use of yard if the project were allowed to proceed
- importance of a General Plan as a guiding document and to allow for planning

The Planning Commission then began discussing.

Several of the Commissioners spoke about the clear impact the project would have on my views and noted the opportunity afforded by the flat Chapman property to build on an alternate site that would not so adversely impact my enjoyment of my property and its value.

Commissioner McCadden then jumped in and suggested that there was an immediate motion made that the Application be approved with a slight modification of the roofline – and asked the others to comment.

A second Commissioner then said “I’ll duck after I say this” and suggested instead - an alternate layout that would have ‘turned’ the proposed addition into the courtyard of the applicant and made other modifications.

A next Commissioner then said “we can’t let this impose on the viewplane in the manner is it proposed without addressing the viewplane of the design” ...”there is an opportunity to move this 2-3 steps down”

At that point – the Applicant rose from his chair and said loudly: “Save your breath. I’m not going to do any of that.”

One of the Commissioners reminded him of protocol, that this was not public speaking time.

The Applicant rose his voice to say: “I will finish my sentence. I will not change the angle. I will plant trees that will grow really high and then sell the house.”

The applicant then asked the Commission: “Is that your final decision?”

The Planning Chair said “Yes it is”.

The Applicant said he was a Doctor, on call at the hospital and had to leave. He walked toward the door of the chambers to leave.

Commissioner McCadden said directly to the Applicant: “There is a certain protocol, we’re deliberating.”

At that point, the applicant instead of going to the hospital, walked back to a seat and Commissioner McCadden assumed control of the meeting and began to try to placate the Applicant.

One by one the Planning Commissioners started talking about “how development was happening all over”, “that’s just the way it is” and “every project will impact views to a degree” and they all abandoned the notion that views are important and voted for the project with very minor conditions – removing 1 foot in length, lowering the roof and suggesting plantings.

- I was not allowed to speak after the Applicant spoke.
- There was no re-opening of open time.
- There was no assessment of details.
- The resolution that the Planning Chair had confirmed was ‘Final’ – was challenged by the Applicant, then another Commissioner and forgotten.

The Town Planning Commission made this decision aiming to appease one neighbor at the expense in every sense of the word, of another neighbor who adheres to the rules.

We are seeing this scenario play out on the National stage.

It's a shame that at the local level – bullying and threats are also being rewarded.

3) The Decision Was an Abuse of Discretion

13

a) Expert Opinion Ignored – Reduction of Hard Money Value

A decision such as this one that could have a significant negative impact on the value of my home, my largest and most valuable financial investment, and my quality of life - needs to be made on the basis of facts, analysis, metrics.

To support this project by identifying an impact but not quantifying it or presenting any evidence how it was determined, is baseless.

Recognizing that the Town did not take this factor into account, I found a real estate agent in Marin who has been successfully selling real estate for ~ 30 years and as it happens is the president of the Lark Theatre – she knows the area and would be deemed 'expert and highly credible' in this matter.

Real estate agent Tina McArthur was kind enough to come to my house and appraise the situation. I asked her to give me her opinion, recognizing she had likely seen a lot of proposed remodels.

Her view was that the proposed expansion

- was out of line with what she had encountered, *was inappropriate and would significantly decrease the value of my home.*
- this would include both the hard money value and, the value of my/my family and friends' enjoyment of the home and the property.

She wrote a letter with her professional opinion.

I submitted Tina McArthur's letter along with a letter I wrote opposing the project from the early stages. She also was kind enough to come and speak at the late Appeal hearing.

The Commission did not ever mention or discuss Tina McArthur's opinion that my house would be significantly devalued.

- They did however discuss issues around costs and value associated with the Applicant's property and building proposal.

14

b) Community Input - Disbelief

Over the past 6 weeks, I have asked now 31 people who have come to my home visiting and others who knew my home: family, friends, neighbors, former tenants now living abroad, other real estate brokers and several work associates - to give me their frank opinion.

Some opinions came unsolicited by repairman, gardeners, the pest control company.

Without exception, every person I have asked or that offered an opinion, expressed dismay that this project was:

a) even being considered; and b) could possibly be approved.

At the Planning Hearing – the Commission heard from members of the community, people who all contribute to the area including a top selling realtor, a former Green Beret, local historians, a biotech exec/urban farmer and community advocates.

The Town and the Planning Commission have encouraged community input on all matters over the last few years – it was ignored.

15

3) + The determination, decision or interpretation was not supported by the record or facts presented in the following respect(s)

First, the application blatantly and obviously *included false information*:

- During his presentation the applicant said that he had plans to build this addition 11 years ago.

THIS IS UNTRUE

- The applicant said I knew of these plans before I bought my house.

THIS IS UNTRUE

- The applicant said I had approved these plans

THIS IS UNTRUE

Second, the Applicant had no plans in place to build anything 11 years ago. He did not own the home then, he rented it.

I not only didn't know of any plans before I bought my house nor ever approved of any plans - but we had an agreement before I purchased my house that we would not interfere with the other's property.

Again – we had an agreement before I bought 355 Willow that we would not interfere with each other's property. (See attachments.)

I bought the Willow property with the understanding communicated broadly, that neither of us would build a 2nd story, interfere with views, privacy or each other's investment.

The above is relevant as it underscores:

- That the application included false and misleading information.
- The decision was not supported by any valid record.

In his presentation the applicant suggested that he had told the Commissioners and Planning Dept staff that he had shown me plans before I bought my house and I participated in their development.

This is not true – and not supported by any valid record.

At this point, I will be happy to separately provide any Councilmember with documentation on every aspect of the above.

Third, the Applicant's "Application for Development Review" dated July 9 2015, is *Inaccurate and was Never Cured*

The application submitted to the Town by the applicant on July 9 2015 contains major inaccuracies for the purpose of the applicant. I had spoken with the applicant and Town about this issue early in the process but no action was taken, they still stand in the application document signed by the applicant.

It's not appropriate to allow clearly inaccurate details to remain part of this process.

Finding 3 in the Application for Design Review asks "Explain how the project will not significantly and adversely affect the views, sunlight or privacy of nearby residences; will provide adequate buffering between residential and non-residential uses; and otherwise is in the best interest of the public health, safety and general welfare."

Applicant's Response:

"No affect on privacy of nearby neighbors – single story, No affect on sunlight – single story, pre-existing trees are taller than house."

The Assertions are incorrect, not accurate and not valid. This project will dramatically impact my views, privacy and to a lesser extent, my sunlight.

- While technically this is a single story proposed expansion, the applicant is also requesting to raise the roof height. This increases impacts sun in my home.

- **Privacy** - The proposed project has *two windows looking directly* in to my main living area, my living room. Any landscaping required would not mitigate the impacts as a) it would take years to grow, and b) the Town would not enforce this requirement.

- **Sunlight** – The plan as proposed would have increased the roof height by ~5 feet, to effectively eliminate any sun/glimpse of sky from my "den".

- **Views-Trees** - There are *no trees* in the viewshed that are taller than the proposed structure.. To cite a tree in the far distance as 'taller than the project' or a tree that will be removed, is irrelevant, misleading or worse.

16

The Approval is not supported by the facts.

Fourth, what the Town/Town Planning has approved runs counter to: the General Plan and to the concept of home ownership/investment.

This approval condones development that would replace my single gorgeous protected view of hillside, ridgeline and trees that is the focal point of my home in my living room – and confers significant value to the home/property, with the side of a large wall. It's inconceivable to me and to others.

This project would allow the applicant to increase the value of his home but substantially decrease the value of mine. *I bought this house with the clear understanding that my views would be protected by General Plan and its focus on the value of views. And with the understanding that protections would be upheld.*

The proposed project does not conform with the Town's rules, guidelines, General Plan policies, General Plan requirements for findings to be made for approvals, or Municipal Code requirements. In simple terms, it is not a project that evokes any sense of decency, neighborliness or the character of our Town.

In conclusion the approval of the Project and denial of my Appeal by the Commission was not based on fact or the governing documents and was prejudicial.

17

4) Alternatives

I have made this suggestion several times to Town Staff and again at the Planning Commission Appeal Hearing.

The applicant has other areas on his property to add square footage.

The applicant himself said at the Planning hearing that he wanted originally to put the construction in the back.

- It was late, perhaps nobody heard this but it is there.
- On site visits, certain Planning Commissioners had acknowledged the possibility of other alternative sites for the applicant's project, including placing an addition in what is now the courtyard area and/or moving the project to the east side of the house near Chapman.
- That Eastern area has been modified recently, thus, the applicant is willing to redesign this area.

An explanation of the specific reasons for this appeal is included and attached.

I hereby certify that the information given is true and correct to the best of my knowledge and belief. Signature:

Jennifer Laxon

Date: March 18, 2016

For Staff Use Date: March 18, 2016 Rec. by: Rebecca Laughlin

Fee: \$ 300.00 App. #: _____

Attachments

- 1) Letter from Realtor Tina McArthur - noting devaluation of property 12/3/15
- 2) Email from my Father - noting Chapman and Willow agreement not to negatively impact properties with respect to views, privacy and expressing opinion on an unbalanced decision 2/25/16
- 3) Email from Corte Madera resident/former leadership Xmas Tree Hilldwellers - Nicole Litchfield to Planning Department - noting project is in opposition to General Plan and noting Chapman and Willow agreement not to negatively impact properties with respect to views, privacy 3/7/16
- 4) Photo of 355 Willow backyard with view of protected hillside and ridgeline and story poles erected
- 5) Architect's rendering of proposed addition with reduction by one foot of the Western extension
- 6) Site plan with proposed Chapman addition shaded

490 Magnolia Avenue, Larkspur, CA 94939
O 415.945.6300 F 415.945.6339 pacificunion.com



Jennifer Larson
355 Willow
Corte Madera, CA 94925

December 3, 2015

Dear Jennifer:

Your home is lovely, and it has always been a favorite of mine. The setting, floorplan and outdoor areas are magical. It is a special place indeed. However, in looking at the potential addition at 359 Chapman, it is my professional opinion that it will significantly reduce the value of your property. What is now a private and serene sanctuary with views towards the ridge, will become less private and actually intrusive. The outlook from your living room and from one of the bedrooms will be seriously hampered, and the light will definitely be affected in a negative way.

It is my feeling that future potential buyers of your home (should you ever decide to sell) will envision the space outside your living room as the main garden and entertaining area and would likely be turned off. Instead of looking out to the long views of greenery and the hillside, they would be looking directly at a structure.

In terms of affecting value, I believe that an addition next door, where the story poles are situated, could seriously translate into a substantial value loss to you because your home prides itself on the surrounding long views, greenery, outdoor space and privacy.

Please let me know if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Tina McArthur".

Tina McArthur, Luxury Property Specialist

Pacific Union

490 Magnolia Ave.

Larkspur, CA 94939

RECEIVED

MAR 18 2016

TOWN OF CORTE MADERA ²²

- Larson, John W. <jlarson@morganlewis.com>
- Feb 25 at 4:04 PM

- Jennifer Larson

Michael's Destruction of Your View

Jennifer, in contemplating Michael's planned construction of an addition to his house which will nearly completely block your view, I thought how ironic these plans are. I recall when Michael encouraged you to buy your house to preclude someone else from buying it and constructing a second floor, which would be a "snooping place" into Michael's house and yard. Now the impact on the two properties is reversed.

The point was that the value of both properties would be preserved. The large wall Michael plans just a few yards away from your living room window will destroy your view and certainly diminish the value of your property. It is hard to imagine how a plan like that could be approved by the Corte Madera Planning Authorities. It is like taking hundreds of thousands of dollars from one resident and giving it to another.

John W. Larson
Morgan, Lewis & Bockius LLP
One Market, Spear Street Tower | San Francisco, CA 94105
Direct: +1.415.442.1123 | Main: +1.415.442.1000 | Fax: +1.415.442.1001
jlarson@morganlewis.com | www.morganlewis.com

Assistant: L. Deborah Davidson | +1.415.442.1644 | dldavidson@morganlewis.com

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MAR 18 2013

TOWN OF CORTE MADERA 23

- [Nicole Litchfield <nicole@bioscribe.com>](mailto:nicole@bioscribe.com)
- **Mar 7 at 7:37 PM**

- awolff@tcmmail.org
- pboyle@tcmmail.org

Message body

Dear Corte Madera Planning Department:

I am a 13-year Corte Madera home and business owner. I moved here from San Francisco to enjoy lovely Marin county and its better weather, and chose my house for the beautiful views and privacy it affords. It has recently come to my attention that a friend and colleague who also bought her home in Corte Madera for similar reasons is now facing the possibility of losing her magical oasis as a result of a neighbor's building plan.

I have known Jennifer Larson for approximately 15 years. I was delighted to hear when she purchased a home in our town in 2007. I am also aware that at the time she bought her home, she paid a premium for the privacy and serenity the 355 Willow property offered. I am further aware that her neighbor Michael who owns the adjacent property and she discussed their mutual interest in preserving their privacy and views (he didn't not want a second story built on her current home, for example), and that they agreed to respect the integrity of each other's properties.

I have recently visited Jennifer's home and seen the story poles. It's shocking, to think her neighbor now wants to build (and the town would approve) an addition that blocks her only views and looks right into her back patio and living room windows, destroying her privacy. I don't understand how this is in keeping with the General Plan (not to mention a violation of their verbal agreement and just plain un-neighborly). He will gain property and value to his home, while she gains nothing, and loses her views and privacy, and substantial value to her home.

This is not fair or balanced residential development. The 'compromises' that have been offered do not help the situation, and are not reasonable alternatives. Meanwhile, there are other places around his home where he could build and not disrupt any neighbor's enjoyment of their property.

It scares the hell out me to think this could happen to me and my home here in Corte Madera. I ask the planning department to honor Jennifer's appeal and show that there is a reason for the language in the General Plan that is designed to protect our community's homeowners from this type of situation.

**Regards,
Nicole Litchfield
102 Edison Ave.**

RECEIVED

MAR 18 2016

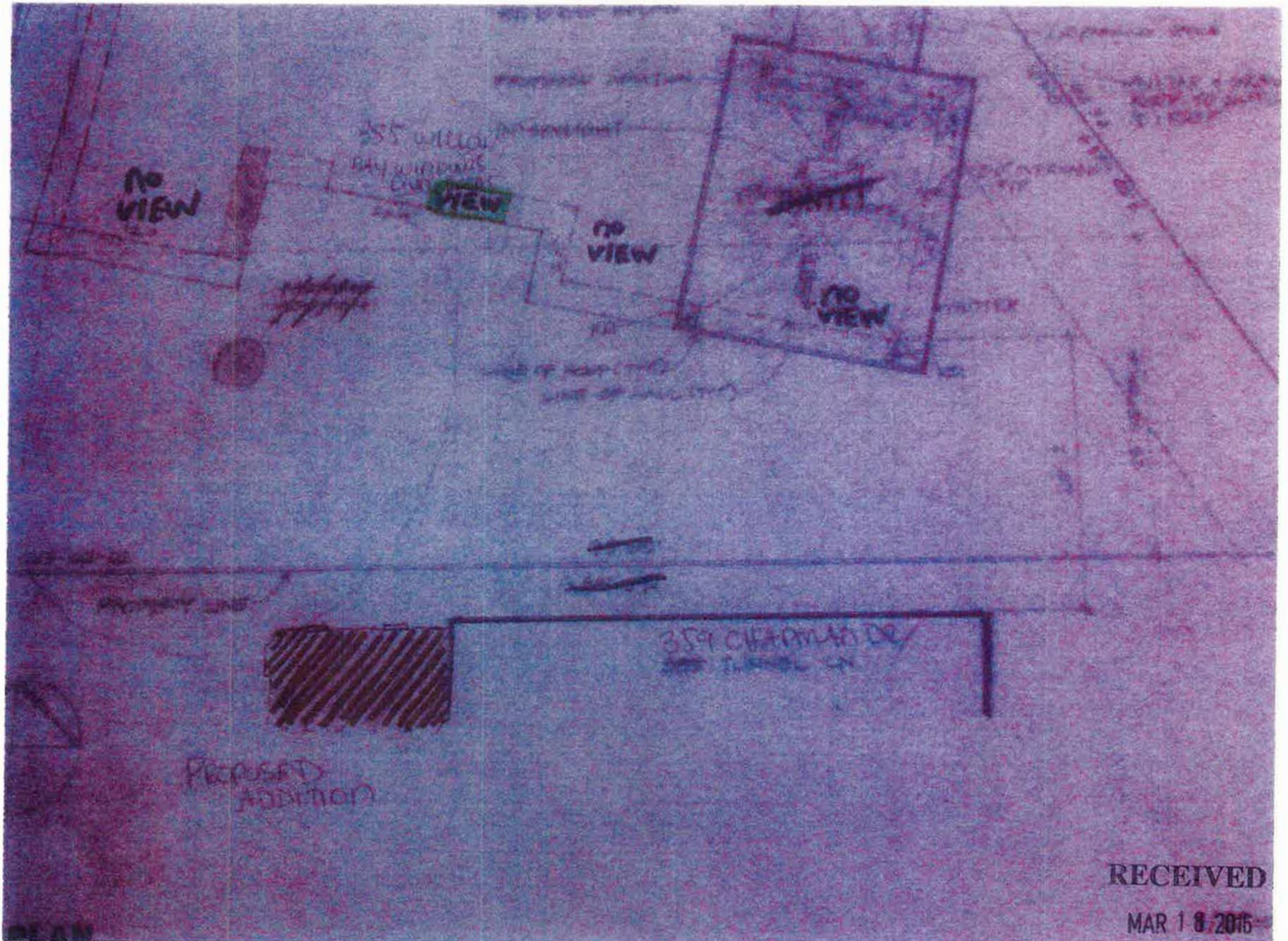
TOWN OF CORTE MADERA



TOWN OF CORTE MADEA



RECEIVED
MAR 18 2016
TOWN OF CORTE MADERA



To Whom it May Concern,

4/24/16

My name is Theresa Coleman and I represented Jennifer Larson as her Realtor on the purchase of her home at 355 Willow, Corte Madera, CA.

Jennifer has informed me that her neighbor is looking to expand his home and asked that I visit her home to see the story poles. As soon as I sat down in Jennifer's living room, I immediately understood why Jennifer is so alarmed.

The extension completely blocks Jennifer's view of the trees, ridge and sky so that when sitting in the living room, instead of enjoying a private expanse of nature, one is staring at a large fixed structure.

If the neighbor's home was further away, it would still impinge on her privacy but wouldn't make one feel closed in. However, the neighbor's home is literally 25 feet from Jennifer's living room, obliterating any sense of expanse and openness.

Having worked with Jennifer over many months to find the right home, I know Jennifer to be someone who values privacy, space and light. It was for these reasons that it took time to find just the right property and it was for these reasons that Jennifer fell in love with 355 Willow.

Homeowners have the right to build on their property within specific city or county building codes. However, homeowners also are entitled to the view and privacy integral to the home that they purchased.

If this extension existed when Jennifer viewed the home for the first time, I can assure you she would have passed on purchasing it. In the future, if Jennifer decides to sell, I can also assure you that the proposed extension will be a liability that translates into a lower sales price.

I'm concerned and saddened that Jennifer has to fight for her property rights and that a neighbor would have so little consideration for others.

When I visited, I observed that the front end of the neighbor's house has ample room for an extension. The front end borders Jennifer's garden, not her home, and would be a good win-win for all.

Best,

Theresa Coleman
Pacific Union/Christie's International
1550 Tiburon Blvd.
Tiburon, CA 94920
415 609-4532



TOWN OF CORTE MADERA
Permit Receipt
RECEIPT NUMBER 0000175

Account Number: 000086

Date: 3/18/2016

Applicant: JENNIFER LARSON

Type: charge # 5465

Notes: Appeal of PC decision PL-2016-0011-AP
359 Chapman Dr.

<u>Permit Number</u>	<u>Fee Description</u>	<u>Amount</u>
PL-2016-0023	Appeal	300.00
	Total:	\$300.00

ATTACHMENT 2 - Resolution 14-2016

RESOLUTION NO. 14/2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA AFFIRMING THE PLANNING COMMISSION'S MODIFICATION THE PLANNING DIRECTOR'S APPROVAL OF DESIGN REVIEW PERMIT NO. 15-019, THEREBY ALLOWING THE CONSTRUCTION OF A 465 SQ. FT. ADDITION, LESS THE AREA REMOVED WITH THE MODIFICATION OF THE LOCATION OF THE WESTERN WALL AND THE REDUCTION IN ROOF HEIGHT OF THE ADDITION, TO THE EXISTING SINGLE FAMILY RESIDENCE AT 359 CHAPMAN DRIVE,

WHEREAS, on July 9, 2015, an application for Design Review was filed for a 465 sq. ft. addition to a single family residence; and

WHEREAS, on July 29, 2015, the Planning Department determined the application to be complete after review of submitted information and recommended that the project qualified for categorical exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, on February 5, 2016, Staff approved Design Review Application No. 15-019 – for a 465 square foot single story addition and remodel of the existing house at 359 Chapman Drive. The addition met the height, setback, lot coverage, and floor area ratio regulations for the R-1 Medium Density Residential Zoning District. Staff analyzed the concerns and objections from the neighbor at 355 Willow Avenue, added conditions of approval to minimize the project impacts and made all of the required findings for Design Review Approval; and

WHEREAS, on February 12, 2016 the adjacent property owner to the north (355 Willow Avenue–Jennifer Larson) filed an application appealing the Town's approval of Design Review Application No. 15-019; and

WHEREAS, on February 25, 2016 A public notice of the Appeal Application No. PL-16-11-AP was posted and sent to all property owners within 300 feet of 359 Chapman Drive; and

WHEREAS, on March 8, 2016 The Planning Commission held a public hearing regarding Appeal Application No. PL-16-11-AP and approved Resolution 16-009 which approved design review permit No. 15-019 with modifications, allowing an approximately 465 sq. ft. addition to the existing residence at 359 Chapman Drive. The modifications approved by the Commission included reducing the roof height of the addition, reducing the size of the addition, installing landscape screening and at the applicant's discretion modifying the windows on the north elevation of the addition; and

WHEREAS, on March 18, 2016 the adjacent property owner to the north (355 Willow Avenue–Jennifer Larson) filed an application appealing the Planning Commission's Approval of Resolution 16-009 based on the following:

1. That the proposed addition eliminates the appellants short and long ranges views and would drastically, negatively and forever, alter the relationship of her house and her property to its natural surroundings; and
2. The application and hearing process was unfair and the Planning Commission proceedings were a breach of protocol and her due process rights; and

3. Community members support her view that the Town's process and approval are unreasonable and unfair; and

WHEREAS, on April 22, 2016 a public notice of the Appeal Application No. PL-16-23-APTC was posted and sent to all property owners within 300 feet of 359 Chapman Drive; and

WHEREAS, the approval of this resolution is exempt from the California Environmental Quality Act under CEQA guidelines section 15301 class (e)(2) – existing facilities.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby affirm the Planning Commission's approval of Resolution 16-009 which modified design review permit No. 15-019, allowing an approximately 465 sq. ft. addition to the existing residence at 359 Chapman Drive with the following modifications as required by the Planning Commission:

1. The maximum height of the roof of the addition shall not exceed 12 feet 6 inches.
2. The west wall of the addition shall not extend more than 16 feet 2 inches from the existing west wall of bedroom #1 (1 foot less than proposed in the plans).
3. Screen plantings shall be installed by the property owner of 359 Chapman Drive along the northern property line to shield the bulk of the new northern wall of the addition.
4. These plantings shall be maintained by the property owner of 359 Chapman Drive to not exceed the height of the eve of the addition at any time.
5. At the applicant's discretion, the proposed windows on the northern wall of the addition can be removed or moved horizontally. They cannot be enlarged or moved vertically.

I hereby certify that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 3rd day of May, 2016 by the following vote, to wit:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

Sloan Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

O:\Planning Department_02 PLANNING APPLICATIONS AND PROPERTY FILES\A-J\CHAPMAN DR\359 Chapman Dr\359 Chapman Dr. Appeal TC\Reso 359 Chapman TC Appeal JP Cmts.doc

ATTACHMENT 3 - February 5, 2016 Administrative Design Review Approval letter without attachments.



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

DESIGN REVIEW
APPROVAL
by ZONING ADMINISTRATOR'S ACTION

359 Chapman Dr.

February 5, 2016

On February 5, 2016, the Zoning Administrator approved Design Review Application No. 15-019 – A request for a 465 square foot single story addition and remodel of the existing house at 359 Chapman Drive.

Please read all the information herein and familiarize yourself with the conditions below, many are time sensitive. Please sign and return the **Owner and Contractor Statement** when filing for a Building Permit for this project.

DESIGN REVIEW REQUIRED FINDINGS

In order to grant a Design Review, the Zoning Administrator must make the following findings required by Section 18.30.070 of the Corte Madera Municipal Code:

1. The project conforms with the General Plan, any applicable Specific Plan, and all provisions of the Zoning Ordinance.

Conformance with General Plan Land Use Policies

- *LU-2.4 - Ensure that new residential development and upgrades to existing residential development are compatible with existing neighborhood character and structures and LU-2.5 - Encourage property owner reinvestment in upgrades to existing residences and related property improvements.*
- The proposal remodel and additions to the existing single-family residence at 359 Chapman Drive will be an improvement to the property. The proposed improvements are consistent with the General Plan because they will upgrade the existing facility and may encourage property owners to reinvest in existing and new residential projects.

Conformance with the Zoning Ordinance —

- The proposed project is consistent with the following purposes listed in Section 18.08.010 of the Corte Madera Zoning Ordinance:
 - To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with sound standards of public

health and safety, and consistent with the general plan;

Conformance with any applicable Specific Plan

- The project site is not located within an established Specific Plan area.

2. **The project will not unnecessarily remove trees and natural vegetation, will preserve natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural beauty of the Town.**

The proposed project does not include the removal of any trees. The project will not affect any landforms, ridgelines, or result in any grading of hillsides. The project will not otherwise adversely affect the natural beauty of the Town. The intent of the project is to improve that function and aesthetics of the property.

3. **The project will not significantly and adversely affect the views, sunlight, or privacy of nearby residences, provides adequate buffering between residential and nonresidential uses, and otherwise is in the best interests of the public health, safety and general welfare.**

The proposed addition is in two areas. One is an extension of the north side of the house toward the west and is 13 feet 6 inches in height and extends 17 feet 6 inches into the yard toward Tunnel Lane. The other addition is within the center of the house and is 17 feet in height and extends 5 feet also toward Tunnel Lane. The addition is approximately 25 feet from the nearest residence to the north- 355 Willow Avenue. The project also includes a new roof which will result in the maximum height of the building increasing from approximately 12 feet to approximately 17 feet. The original relatively flat roof will be replaced with a hip roof. The proposed project meets the minimum setbacks, height, lot coverage and floor area ratio requirements.

As required by the Town, the applicant installed story poles which demonstrated the locations of the proposed additions and the proposed roof modifications. Staff visited the project site and the surrounding neighborhood several times both before and after the story poles were installed. Staff was also invited onto the property and in the residence directly adjacent to the north of the project site- 355 Willow Avenue to assess the project impact. Pictures from both properties are attached. Staff observed the site with the story poles in November and December, when the path of the sun is at its lowest and because of the height of the addition did not observe that the addition would cast shadows onto the yard or residence at 355 Willow Avenue.

Staff received two letters regarding the application, both from the resident of 355 Willow Avenue (Attachment 1). The first letter is from the owner of 355 Willow Avenue and the second letter is from Pacific Union to the owner of 355 Willow Avenue. Staff has closely reviewed the letters and understands the issues raised. Staff also met with both the applicant and the owner of 355 Willow Avenue together and separately to try to reach a compromise

The northern addition may have some impact on the adjacent property to the north however; the addition and roof modification is not excessive with a maximum height of 17 feet. The

northern section of the addition includes two windows which have sills heights of 4 feet 6 inches from grade and the tops of the two windows will be 8 feet 6 inches in height. To reduce the possible privacy impact to 355 Willow Avenue from these two new windows, staff has added a condition that the applicant, with the consent of 355 Willow Avenue as required by code, shall install a solid wood fence with a height of 8 feet from the eastern end of the addition to the western end of the addition. The applicant shall also revise the plans to show a 3½ and 12 roof pitch throughout the building to reduce the bulk of the project.

With the added conditions listed above, staff is able to make the finding that the addition will not *significantly and adversely* affect the views, sunlight, or privacy of nearby residences, including the residence to the north—355 Willow Avenue.

4. The structure, site plan and landscaping are in scale and harmonious with existing and future development adjacent to the site and in the vicinity and with the landforms and vegetation in the vicinity of the site.

The proposed additions are of scale and design that is compatible with the homes directly adjacent to the project site and the surrounding neighborhood. The proposed project will add 465 square feet or ±35% to the existing 1,324 square foot house. The overall height of the residence will increase by 5 feet to a maximum of 17 feet (Code maximum is 30 feet). All colors and materials will match the existing building. No trees are proposed to be removed for the project. Overall the project appears to be harmonious with the topography of the area.

5. Development materials and techniques will result in durable high-quality structures.

The proposed modifications will conform to California Building Standards Codes and will utilize durable high-quality building materials.

6. The structures, site plan, and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors, and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists and vehicles.

The proposed additions will add to the size and function of the residence. The addition will be constructed with exterior color and materials that will match the existing building and will be visually pleasing setting for occupants, visitors, and the general community.

7. To the maximum extent feasible, the project includes the maintenance, rehabilitation, and improvement of existing sites, structures, and landscaping, and will correct any violations of the Zoning Ordinance, Building Code, or other municipal violations that exist on the site.

All new construction will be inspected and conform to the current California Building Standards Codes. Staff is not aware of any municipal violations currently existing on the site.

8. The design and location of signs are consistent with the character and scale of the buildings to which they are attached or which are located on the same site, the signs are visually harmonious with surrounding development and there are no

illegal signs on the site.

No signs are proposed as part of this project. Currently there are no known illegal signs on the site.

A finding has been made that this project is categorically exempt from the California Environmental Quality Act under Categorical Exemption Class 11 (Section 15311).

The Zoning Administrator's decision may be appealed to the Planning Commission within ten calendar days from the date of this approval letter by filing an appeal form, accompanied by a \$300 fee, with the Planning Department, 300 Tamalpais Drive, Corte Madera, CA 94925.

No Building Permit or other Town approval shall be issued until the expiration of the appeal period. The appeal period extends ten calendar days from the date of decision by the Zoning Administrator.

CONDITIONS OF APPROVAL

PLANNING AND BUILDING DEPARTMENT

1. The proposed project shall be constructed substantially in accordance with the 359 Chapman Drive plans stamped "Official Exhibit" with a received stamp date of July 9, 2015 except as amended by the conditions listed below.
2. No changes shall be made to the approved site plan, elevations, or details without written approval from the Corte Madera Planning Department. The Planning Director may refer changes to the Planning Commission.
3. Plans submitted for building permit shall include a sign owner and contractors statement (attached).
4. Plans submitted for building permit shall include a solid wood fence with a height of 8 feet from at least the eastern end of the addition to the western end of the addition. The applicant shall also include a letter of consent from the owner of 355 Willow Avenue approving the location and height of the fence.
5. Plans submitted for building permit shall also include a 3½ and 12 roof pitch throughout the building to reduce the bulk, mass and impact of the building.
6. The applicant and subject property owner shall permit the Planning Department or its representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the construction being performed under the authority of this approval is in accordance with the terms and conditions described herein.
7. Prior to a final building inspection of this project, the applicants shall contact the Planning Department to schedule an inspection of the finished project to ensure compliance with all of the required conditions of approval.

8. A Building Permit is required for this project. Please contact the Corte Madera Building Department at (415) 927-5062 for specific submittal requirements. Design and construction shall comply with applicable provisions of the 2010 California Building Standards Codes. Note that on 1/1/2014, the new edition will take effect.
9. Hours of construction shall be limited to 7:30 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturday, provided that if any reasonable and credible work-related complaints are received by the Town about construction on a weekend, no further work shall be conducted on a Saturday; and provided further, if any reasonable and credible work-related complaints are received by the Town about construction during any weekday, the Planning Director is vested with the authority to impose reasonable conditions to address the issues that gave rise to the complaint. Whether or not a complaint about construction is reasonable and credible shall be left to the sole and sound judgment of the Planning Director. In order to mitigate the adverse impacts the applicant's construction activities have on neighboring property owners and renters, the Planning Director shall be vested with the authority to impose reasonable conditions on the applicant's hours of construction and/or the applicant's construction activities. No workers shall be on the site except during these hours. Without limiting the generality of the foregoing, no preparatory work or staging shall be allowed to occur on the site or on adjacent properties except during the hours specified above. No work shall be performed on a legal holiday.
10. Prior to final building inspection, all debris shall be removed from the site.
11. This Design Review approval shall lapse and become null and void one year following the date on which the approval becomes final unless, prior to the expiration of said one year, a building permit is issued and is active per Building Code requirements on the site which was the subject of the use permit application, or a Certificate of Occupancy is issued for the site or structure which was the subject of the application. Design Review approval may be renewed as prescribed in Section 18.30.090 of the Town Zoning Ordinance.

PUBLIC WORKS DEPARTMENT

Grading and Drainage

1. In accordance with section 15.20.030 of the Municipal Code, the applicant may be required to obtain a **Grading and Drainage Permit** from the Public Works Department prior to issuance of a Building Permit. The application for this permit shall include, but not be limited to, a site grading plan/drainage plan showing topographic information prepared by a licensed civil engineer or landscape architect. If a geotechnical report is required, the project geotechnical/soils engineer shall review and approve the grading/drainage plan for conformance to the report prepared for the project.
2. No earthwork shall take place during the rainy season between October 15th and April 15th without special written authorization from the Director of Public Works. Unless specifically exempted, earthwork operations will require an **Erosion and Sediment Control Permit** from the Public Works Department per Municipal Code Section 15.20.285. The permit will require the installation and maintenance of appropriate erosion and sedimentation control measures for the proposed work. The applicant will be required to obtain the permit prior to the issuance of Building Permit.
3. Where possible, drainage facilities shall be installed to collect roof drainage and surface water

runoff from driveways, walkways, and other paved surfaces. Drainage shall be conveyed and disposed in a manner that avoids concentrated flows and minimizes impacts to adjoining properties. Drainage collection systems shall be designed to Town standards and the flow shall be conveyed to a publicly maintained or natural storm drain system. Runoff shall not be diverted from one drainage area to another. The subsurface drainage system of the foundation or the retaining wall shall remain separate from the surface drainage system.

4. Per Municipal Code Section 12.56.010, portions of the existing sidewalk and/or driveway approach along the property frontage that show severe cracking and/or displacement will require repair or replacement as required by the Public Works Department.

Work In Public Right-of-Way

5. Per Town Resolution No. 3314, a project over \$10,000.00 is subject to the **Street Impact Fee** equal to 1% of the project valuation. Applicability of this fee will be determined at the time of Building Permit.
6. At the time of Building Permit, the Public Works/Engineering Department will inspect encroachments, vegetation, sidewalks, and drainage at the property for compliance with the Town Municipal Code. The applicant shall bring the property into compliance with the Municipal Code in accordance with Town standards and to the satisfaction of the Public Works Director/Town Engineer prior to final acceptance of the project.
7. The applicant will be required to obtain an **Encroachment Permit** from the Public Works Department for all activities within, or use of, the public right-of-way (curbs, sidewalks, etc...) per Municipal Code Section 12.04.040. Work in the public right-of-way shall be in conformance with the Marin County Uniform Construction Standards and Specifications. The permit shall be obtained prior to any work being performed within the Town right-of-way.
8. Per Municipal Code Section 12.04.040, an **Encroachment Permit** from the Public Works Department will be required for any activities within, or use of, the public right-of-way such as placement of debris boxes, staging of equipment in the street, traffic control activities, or street closures, subject to the review and approval of the Public Works Department.
9. The applicant may be required to prepare and submit a **Construction Management Plan** to the Public Works/Engineering Department prior to the issuance of the Building Permit. The Plan shall provide a general overview of the construction process as it affects the public right-of-way and surrounding neighbors. At a minimum, the plan should outline the schedule of construction, the locations for staging of equipment and materials, and the truck routes that will be used for deliveries.
10. Prior to the issuance of the Building Permit, the applicant may be required to provide a **Construction Parking Plan** to Public Works. The Plan shall propose a system to minimize the effect of construction worker parking in the neighborhood, include an estimate of the number of workers and vehicles that will be present on the site during various phases of construction, and indicate where sufficient off-street parking will be provided.

Construction Operations

11. Prior to the issuance of a Building Permit, it may be required that a cash deposit up to a maximum amount of \$10,000 be posted for bonding purposes to ensure repair of any damage to roadways, landscaping, and other public improvements in the Town right-of-way caused by the applicant's construction-related activities. The amount of the cash deposit shall be determined at the time of the Building Permit. Said cash deposit shall not be released until the project, including all landscaping, is completed and all required repairs have been made.

12. Prior to the issuance of Building Permit, a video or photographic inspection of the existing conditions of the roadways and other public improvements adjoining the project may be required of the applicant. The inspection results shall be submitted to the Public Works Department.
13. Any damage to the street caused by heavy equipment or because of project construction activities shall be repaired, at the applicant's expense, prior to issuance of the Certificate of Occupancy. All hazardous damage shall be repaired immediately. Any heavy equipment brought to the construction site shall be transported by truck.
14. Per Municipal Code Section 9.33.100, the applicant shall employ best management practices (BMPs) as appropriate from the California Stormwater Best Management Practice Handbook for Construction Activity, latest edition, or from the Erosion and Sedimentation Control Field Manual published by the California Regional Water Quality Control Board, to control and prevent the discharge of sediment, debris and other construction related wastes to the storm drainage system or waterways, including, but not limited to, general construction, concrete and mortar application, heavy equipment operation, road work and paving, and earth-moving activities.

INDEMNIFICATION AGREEMENT

12. The applicant/owner shall:
 - A. Defend, indemnify, and hold harmless the Town of Corte Madera and its agents, officers, attorneys, or employees from any claim, action or proceeding (collectively referred to as "proceeding") brought against the Town or its agents, officers, attorneys, or employees to attack, set aside, void, or annul an approval of the above reference application(s) which proceeding is brought within the applicable statute of limitations. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the Town, if any, and the cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the Town, and/or the parties initiating or bringing such proceeding.
 - B. Defend, indemnify, and hold harmless the Town, its agents, officers, attorneys, or employees for all costs incurred in additional investigation or study of, or for revising, supplementing, redrafting, or amending any document, if made necessary by said proceeding and if applicant desires to pursue securing such approvals, after initiation of such proceeding, which are conditioned on the approval of such documents.
 - C. In the event that a proceeding is brought, the Town shall promptly notify the applicant of the existence of the proceeding and the Town will cooperate fully in the defense of such proceeding. In the event that the applicant is required to defend the Town in connection with any said proceeding, the Town shall retain the right to (1) approve the counsel to defend the Town, (2) approve all significant decisions concerning the matter in which the defense is conducted, and (3) approve any and all settlements, which approval shall not be unreasonably withheld. The Town shall also have the right not to participate in said defense, except that the Town agrees to cooperate with the applicant in the defense of said proceeding. If the Town chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the Town in such matters, the fees and expenses of the counsel selected by the Town shall be paid by the Town. Notwithstanding the immediately preceding sentence, if the Town

attorney's office participates in the defense, all Town attorney fees and costs shall be paid by the applicant.

- D. In the event that the Town is required to initiate legal action to enforce the above conditions, the applicant shall indemnify the Town for any and all costs and fees incurred by the Town in connection with that enforcement action.

STOP WORK ORDER - RED TAG ORDINANCE

- 13. Per Section 15.70.010 of the Municipal Code, whenever any construction or other work that is subject to any provision of the Code has been, or is being, done in any manner that is contrary to any of the provisions of the Code, any ordinance of the Town, or any condition of a permit, approval, or other entitlement granted by the Town, the Town Manager or his/her designee may order that all construction or work on the property be stopped immediately by notice in writing mailed to any person engaged in doing or causing such work to be done and the owner of the property, and by posting on the property where the violation has occurred, or is presently occurring, a notice to stop such construction or work. Such person shall forthwith stop such work until authorized by the Town to proceed.

APPEAL PERIOD

- 14. No Building Permit, Certificate of Occupancy, or other Town approval shall be issued until the expiration of the appeal period. The appeal period extends ten calendar days from the date the decision of the Zoning Administrator was made. Unless a shorter statute of limitations period applies, the time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

* * * * *

Phil Boyle, Senior Planner

Attachments:

- 1. Letters from and to Jennifer Larsen, 355 Willow Avenue, November 17, 2015 and December 3, 2015
- 2. Owner and contractor statement.

c: 359 Chapman Drive, project file

ATTACHMENT 4 - Appeal application and supplemental documentation filed on February 12, 2016 by Jennifer Larson

RECEIVED

FEB 12 2016

TOWN OF CORTE MADERA

PLANNING AND BUILDING DEPARTMENT
300 TAMALPAIS DRIVE
CORTE MADERA, CA 94925



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

Application for APPEAL

For Staff Use	
Date:	2/12/16
Rec. by:	P.D.
Fee:	\$300.00
App. #:	12-2016

Name: JENNIFER LARSON Daytime Phone: 415 725 2917
 Mailing Address: 355 WILLOW AVE CORTE MADERA CA 94925
 I hereby appeal the decision made on FEB 5 2016 (date) by the

Planning Director Zoning Administrator Planning Commission

in the matter of: DESIGN REVIEW APPROVAL BY ZONING ADMINISTRATOR
ACTION RE: ADDITION AT 359 CHAPMAN

I request the Planning Commission Town Council to:

- Approve the application
- Deny the application
- Amend the Conditions of Approval
- Other (explain) _____

The Corte Madera Municipal Code requires appellants to state the **specific reason(s)** upon which the appeal is based, including but not limited to: Please see attachment for descriptions of each

- The determination, decision, or interpretation was not consistent with the Municipal Code in the following respect(s): The approval omits multiple sections of the General Plan that focus on view preservation, only selective inclusions
- The determination, decision, or interpretation was in error or was an abuse of discretion for the following reason(s): NO Metrics used to evaluate project, no basis for approval determination at inline w general consensus wrong km
- The determination, decision, or interpretation was not supported by the record or facts presented in the following respect(s): Applicant's "Application for Development Review" is inaccurate and not correct every assertion is inaccurate, false. Issues
- Other: see attached

An explanation of the specific reasons for this appeal is attached.

I hereby certify that the information given is true and correct to the best of my knowledge and belief.

Signature: Jennifer Larson Date: Feb 12 2016

Planning Department Appeal

<http://www.townofcortemadera.org/documentcenter/view/756>

Name: Jennifer Larson

Daytime Phone: 415 725 2017

Mailing Address (please use email and post - if only 1 option, EMAIL)
355 Willow Ave, Corte Madera, CA 94925

EMAIL: larsen@labfive.com

I hereby appeal the decision made on **Feb 5 2016** by the Zoning Administrator in the matter of: **Approval for 359 ChapmanDr/(Tunnel Lane) Addition**

I request the Planning Commission to: **Deny the application**

+ The Corte Madera Municipal Code requires appellants to state the specific reason(s) upon which the appeal is based, including but not limited to: The determination, decision, or interpretation was not consistent with the Municipal Code in the following respect(s):

1. Inclusion of Select Supporting Documents

The Town has chosen **not to include** key elements of Corte Madera's General Plan and Land Use Policies when referencing the General Plan and Policies to support its Approval of the proposed addition.

It is not appropriate for the Town to **pick and choose** which parts of the General Plan it feels are to be used for project evaluation. This suggests bias.

EXAMPLE

The Approval Letter includes the following wording and justification but does not include sections that focus on the importance of views or nature.

Per Approval document:

"The project conforms with the General Plan, any applicable Specific Plan, and all provisions of the Zoning Ordinance. "

- Conformance with General Plan Land Use Policies

LU-2.4 - Ensure that new residential development and upgrades to existing residential development are compatible with existing neighborhood character and structures and LU-2.5 - Encourage property owner reinvestment in upgrades to existing residences and related property improvements.

The proposal remodel and additions to the existing single-family residence at 359 Chapman Drive will be an improvement to the property. The proposed improvements are consistent with the General Plan because they will upgrade the existing facility and may encourage property owners to reinvest in existing and new residential projects."

Appeal Response:

- The Approval omits any reference to the many sections of the General Plan and Policies that cite View Preservation as a key criteria when evaluating any project.

- Many sections in the General Plan and Municipal Code include full paragraphs (incl. but not limited to: General Plan - Community Design 5.0 and Design Standard 2.5, Landscaping 2.6 and Municipal Code 18.30.020) on the importance of views, describing short and longer range views, views of hillsides and ridgelines and even go so far as to restrict landscaping that would negatively impact a neighbor's view. Other sections also define the importance of views.

The addition proposed on Chapman not only eliminates my short and long term views from my living room bay windows – the focal point of the house and my single view – but does so by constructing a massive wall in the foreground that would drastically, negatively and forever, alter the relationship of my house and property to its natural surroundings.

None of the General Plan and Municipal Code policies focused on Views and View preservation including these below, were included in the Approval document.

General Plan – <http://www.ci.corte-madera.ca.us/DocumentCenter/View/272>

5.0 Community Design/View Preservation

“Corte Madera has some of the most beautiful and captivating views of any Bay Area community. With a backdrop of Mount Tamalpais to the west, with San Francisco Bay in the foreground to the east, and with its rolling hills and natural ecological systems at various points in-between, view preservation is a very important community amenity.

Views from residential properties add to property values and enhance quality of life. At the same time, such view sheds can also create conflict for owners seeking to develop their properties, remodel or construct additions to their homes when construction may impact views from nearby properties. This issue will be regulated with standards that allow for a reasonable amount of development while minimizing significant negative impacts to neighbor's views. View issues tend to be linked to potential impacts on neighbor's expectation of privacy and access to sunlight. These issues must be balanced and evaluated on a case-by-case basis when reviewing a development project.”

Community Design Standards

Implementation Program CD-2.5.a: View Definitions

“The Town's Design Guidelines and the design review process shall emphasize the need to balance the value of long-range and short-range views based on the specific conditions of the property proposed for development. For the purposes of considering views, the Town shall be guided by the following:

Community Design Standards

Implementation Program CD-2.5.a: View Definitions

A “view” is a scene from a residence and/or its active use area (such as a yard or deck), and includes both upslope and downslope scenes. Views can be categorized as either short-range or long-range. Short range views are those predominantly limited to the particular neighborhood of the project. This can include a nearby view toward a park or include view corridors of substantially open spaces. Conversely, long-range views encompass broader and significant viewsheds of sites further away, such as views towards Mount Tamalpais and substantially open ridgelines or hillsides, and views toward San Francisco Bay, bridges and distant cities.”

Landscaping (included to highlight focus on Views in General Plan)

POLICY CD-2.6

“Consider the impacts to long-range views created by proposed or existing landscaping on and adjoining a project site.”

Implementation Program CD-2.6.a: Landscaping Code Provisions

“Include provisions in the Design Guidelines to ensure consistency with this policy approach. In general, existing landscaping that matures and results in partial loss of views is considered acceptable, **while new site landscaping associated with a development project shall ensure protection of off-site views.**”

Corte Madera Municipal Code - Views

https://www.municodetco m/library/ca/corte_madera/codes/code_of_ordinance_s?nodeld=TIT18ZO_CH18.30DERE_18.30.010PU

18.30.020 - Scope of Design Review.

“Where design review is prescribed for a use or structure by the district regulations, review and approval shall be directed to the following considerations:

- (1) The proposed location of the structure on its site in relation to the location of buildings on adjoining sites, with particular attention to view considerations, privacy, and topographic or other constraints on development imposed by particular site conditions;

and

- (6) “Details of design required to achieve the purpose of this title;
Design review of single-family homes shall emphasize those aspects of the design that affect surrounding residents or the visual character of the town.”

Note – There is nothing in the General Plan that says a homeowner may, or is encouraged, to upgrade or expand at the expense of other properties. There are however, multiple, repeated inclusions of the importance of views, preservation of views from neighboring residences and nature.

+ The determination, decision, or interpretation was in error or was an abuse of discretion for the following reason(s):

1) No Metrics or Analysis Used and/or Cited in Approval

I understand that the Planning staff has a lot of work and may be overburdened.

However, a decision such as this one that would have a significant negative impact on the value of my home, my largest and most valuable financial investment, and my quality of life - needs to be made on the basis of facts, analysis, metrics.

Not one piece of this exists in the Approval document or evaluation by the Town. To support this project by identifying an impact but not quantifying it or presenting any evidence how it was determined, is baseless.

Recognizing that the Town seemed not to have the bandwidth or direction to do this, I found a real estate agent in Marin who has been successfully selling real estate for 30 years and as it happens is the president of the Lark Theatre – she knows the area and would be deemed ‘highly credible’ in this matter.

Real estate agent Tina McArthur was kind enough to come to my house and appraise the situation. I asked her to give me her opinion, recognizing she had likely seen a lot of proposed remodels.

Her view was that the proposed expansion was out of line with what she had encountered, was inappropriate and would significantly decrease the value of my home. This would include both the hard money value and, the value of my/my family and friends’ enjoyment of the home and the property.

She offered to write a letter spelling this out, with her professional opinion. I submitted Tina McArthur’s letter along with a letter I wrote opposing the project from the early stages.

EXAMPLE – Lack of Basis for Approval Presented by Town

- The Town did not present any basis or evidence to demonstrate how it determined the impact to my property is “not significant”.

- Regarding blocking views, the Approval simply cites “**some impact**”

The northern addition may have some impact on the adjacent property to the north however; the addition and roof modification is not excessive with a maximum height of 17 feet.

There is no description for the term “some impact”, it’s clearly not a technical term used to describe adverse aesthetic impact. It is not a quantitative analysis and is without basis.

2) Town's Finding Does Not Reflect the General Consensus

Once the story poles were erected correctly, I asked 20+ people who had come to my home visiting and others who knew my home: family (including my Father who helped me with the down payment on the house), friends, neighbors, former tenants now living abroad, other real estate brokers and a work associate to give me their frank opinion. Some opinions came unsolicited by repairman, gardeners, the pest control company.

Without exception, every person I asked or that offered an opinion, expressed dismay that this project was:

a) even being considered and b) could possibly be approved.

A former tenant now living abroad, who paid a premium to rent my house because of the lovely views, sense of open space and privacy wrote me a note to say how much he valued the views/surroundings in my house and wanted to share this. I attach his email with this.

3) Non-conformance with General Plan – Incorrect Application and Incorrect Approval “And/Or”

In the Approval document - The Town cites it has made the finding because: “This Project would not significantly and adversely affect the neighboring residence/s”.

Project Application document **Finding 3** includes the criteria:

“Explain how the project will not significantly and adversely affect the views, sunlight or privacy of nearby residences; will provide adequate buffering between residential and non-residential uses; and otherwise is in the best interest of the public health, safety and general welfare.”

Critically however - Neither the Project Application nor the Approval of the project are consistent with the General Plan that requires the finding for Approvals to show that:

"The Project would not significantly OR adversely affect the neighboring residence/s."

The words “AND” and “OR” are distinct, have different meanings and cannot legally be construed to convey the same concept.

I believe as do many others that the project both significantly and adversely affects my property and investment but the relevant item is that the language in the General Plan is specific and is not correctly reflected in the application or the Approval.

+ **The determination, decision, or interpretation was not supported by the record or facts presented in the following respect(s):**

1) The Applicant's "Application for Development Review" dated July 9 2015, Inaccurate and Not Cured

The application submitted to the Town by the applicant on July 9 2015 contains major inaccuracies for the purpose of the applicant. I had spoken with the applicant and Town about this issue early in the process but no action was taken, they still stand in the application document signed by the applicant. It's not appropriate to allow clearly inaccurate details to remain part of this process.

Finding 3 in the Application asks (as above): "Explain how the project will not significantly and adversely affect the views, sunlight or privacy of nearby residences; will provide adequate buffering between residential and non-residential uses; and otherwise is in the best interest of the public health, safety and general welfare."

Applicant's Response:

No affect on privacy of nearby neighbors – single story, No affect on sunlight – single story, pre-existing trees are taller than house.

Every assertion is incorrect, not accurate and not valid.

X - While technically this is a single story proposed expansion, the applicant is also requesting to raise the roof height by 5 feet. This increases the mass and impacts sun in my home.

X - **Privacy** - The proposed project has two windows looking directly in to my main living area, my living room.

X - **Sunlight** – The plan as proposed would have increased the roof height by ~5 feet, to effectively eliminate any sun/glimpse of sky from my "den".

X - **Views-Trees** - There are no trees that are taller than the proposed structure. Not off by an inch, not off by a foot but there are No Trees that are taller than the project. To cite a tree in the far distance as 'taller than the project' or a tree that will be removed, is irrelevant, misleading or worse.

Photos.

You will note a small recently planted sapling along the fenceline and a taller tree in the background that will be removed if the project proceeds – in total, that's it.

As above, I have addressed these issues of inaccurate statements - with the applicant and the Town. Town staff have seen firsthand that these statements are inaccurate. However, they remain in the application. The Applicant and the Town are obligated to include accurate details of the project, or correct and address them. None of this has happened.

2) Previous Submission for Addition at 355 Willow denied.

Previously, there was a submission for a second story addition over one section of 355 Willow, by the former owners. It would have included a window that looked into part of the backyard of abutting 359 Chapman.

The former owner of 359 Chapman appealed saying that her enjoyment of her backyard and sense of privacy when in the yard would be diminished by the window. - She prevailed on the basis that a window above a portion of her backyard was indeed a breach of privacy - and there was never an addition.

3) Real World Issues

What the Town/Town Planning has approved runs counter to: the General Plan and to the concept of home ownership/investment.

This approval condones development that would replace my single gorgeous view of hillside, ridgeline and trees that is the focal point of my home in my living room – and confers significant value to the home/property, with the side of a large wall. It's inconceivable to me and to others.

This project would allow the applicant to increase the value of his home but substantially decrease the value of mine.

I bought this house with the clear understanding that my views would be protected by General Plan and its focus on the value of views. And with the understanding that protections would be upheld.

The homes in this area have been sited on the properties to take advantage of the feeling or privacy, open space and views. Part of the General Plan calls for order and harmony with surroundings. The currently sited homes were designed with this in mind, so that they each enjoy a view/views, a sense of the natural world and privacy. Allowing this project to proceed runs counter to the purpose and specifics for development contained in the General Plan.

Other:

I would note, although this is not part of the Appeal, that the applicant has a flat lot. There are multiple other options on the property to add to the square footage that would maintain a sense of harmony, sightlines and increase value.

In its Approval document, the Town cited just two minor conditions for approval.

- 1) Reduction of the proposed ~5 foot height increase to about ~ 3 feet.
 - This is helpful and will allow me to see more sky but my main concern as communicated multiple times, is the addition toward the west.

- 2) Requires the applicant to....build an 8 foot fence to block a portion of the proposed windows in the applicant's proposal.
 - The solution to build a fence is not a helpful in any way.
 - I am opposing both the privacy encroachment but substantially, the elimination of view from my living room to be replaced by an imposing wall.
 - The suggestion/condition included in the Approval document only increases the problem.

"Plans submitted for building permit shall include a solid wood fence with a height of 8 feet from at least the eastern end of the addition to the western end of the addition. The applicant shall also include a letter of consent from the owner of 355 Willow Avenue approving the location and height of the fence. "

An explanation of the specific reasons for this appeal is attached.
I hereby certify that the information given is true and correct to the best of my knowledge and belief.

Signature: Jennifer Larson

Date: Feb 12 2016

For Staff Use Date: _____

Rec. by: _____ Fee: _____ App. #: _____

EMAIL FROM FORMER TENANT

From: Geraud Benoit <geraudwbenoit@live.com>

Date: Mon, 30 Nov 2015 12:14:05 +0000

To: jlarson@labfive.com<jlarson@labfive.com>

Subject: Corte Madera

Hi Jennifer

How are things going? Hope everything is fine with you.

Marie and I were browsing through some old pictures the other day with the kids and realized how lucky we had been to find and rent your place.

We have so many happy memories in the house from Romane's birthdays in the courtyard to Ambre's fish tank with the ongoing refilling both girls were so excited about to the Halloween neighborhood parties.

Being able to see the nature and feel like we were in the countryside was so important for our family. It was important so we could be away from feeling of being surrounded by houses and we appreciated the scenery. It was such a pleasure to have so much light from the dining room down to the living room was absolutely exquisite, by contrast the following house we rented seems almost sad. I hope you are taking good care of the house and the garden. The back garden was always difficult to attend to because of the sun issue but i hope it developed nicely. If you have the time please send us a picture or two to see how it developed.

Anyway, it was such a nice trip down memory lane that i thought i would say hellpo again.

All the best
Geraud & Marie

490 Magnolia Avenue, Larkspur, CA 94939
O 415.945.6300 F 415.945.6339 pacificunion.com

**PACIFIC
UNION**
CHRISTIE'S
INTERNATIONAL REAL ESTATE

Jennifer Larson
355 Willow
Corte Madera, CA 94925

December 3, 2015

Dear Jennifer:

Your home is lovely, and it has always been a favorite of mine. The setting, floorplan and outdoor areas are magical. It is a special place indeed. However, in looking at the potential addition at 359 Chapman, it is my professional opinion that it will significantly reduce the value of your property. What is now a private and serene sanctuary with views towards the ridge, will become less private and actually intrusive. The outlook from your living room and from one of the bedrooms will be seriously hampered, and the light will definitely be affected in a negative way.

It is my feeling that future potential buyers of your home (should you ever decide to sell) will envision the space outside your living room as the main garden and entertaining area and would likely be turned off. Instead of looking out to the long views of greenery and the hillside, they would be looking directly at a structure.

In terms of affecting value, I believe that an addition next door, where the story poles are situated, could seriously translate into a substantial value loss to you because your home prides itself on the surrounding long views, greenery, outdoor space and privacy.

Please let me know if you have any further questions.

Sincerely,



Tina McArthur, Luxury Property Specialist

Pacific Union

490 Magnolia Ave.

Larkspur, CA 94939

Jennifer Larson
355 Willow Ave
Corte Madera, CA 94925
415 725 2017
jl Larson@labfive.com

Nov 17, 2015

To: Phil Boyle, Sr. Planner, Corte Madera Planning Department
300 Tamalpais Drive
Corte Madera, CA 94925

Dear Phil,

Thanks for your time and input on this. Per your suggestion I'm writing to oppose the home expansion project at 359 Chapman/Tunnel Lane as currently depicted by the story poles.

Living Room/Yard View - House Purchase

The story poles indicate that the proposed project would consist of an expanded area in one of the bedrooms - the wall siding of which would obliterate my single long view from my house - in my living room. This is the focal point of my house that confers maximum personal enjoyment and market value. The upslope hillside and ridgeline view is beautiful - it offers enjoyment from the living room and from the back yard area and by design, offers a sense of open space. The view allows the option for a patio to be built with doors leading from the living room. If, when looking at my house to purchase, I had seen that this view was blocked by the side of a wall, I would never have considered purchasing the house.

Before buying the house, I looked into the documents going back 20+ years that would give an understanding of the area, design issues, siting, privacy, the maintenance of views, variances etc. and they all cited the focus on preserving views. Additionally, there was a relevant issue previously between the 2 lots - that suggested a formal, clear alignment with the Design Review Guidelines.

Other Options

It's not right, fair or within what looks to be the scope of any of the Town documents to consider a scenario that would enhance the value of the adjacent house while negatively affecting the value of mine.

I would be open and amenable to options that would allow the neighbor to add square footage, but that would not involve blocking my view and limiting my future option to add patio space to take advantage of the really pretty aspect of the home.

What Chammount is currently proposing also adds height to the house. This added height would eliminate roughly 80% of the sunlight and piece of sky view from my den. Here also there are options for Chammount to expand the home that don't involve eliminating most of the sunlight from my den. Adding the proposed height to the roof, darkens my back room considerably.

I am amenable to many options, but not those that negatively impact the value of my home.

Compliance

I have consulted with a land use attorney who notes that the proposed story poles are in stark contrast to the words and spirit of the governing documents of Corte Madera: the General Plan, Zoning Ordinance and the Municipal Code. As noted, I had looked at a good portion of these documents before also and it noted that land use decisions were to be made that allowed for views to be maintained (General Plan, Section 5.0, etc.). There are multiple instances in the documents where View Preservation is highlighted as a central focus in issues related to new construction.

The view and sense of open space with relation to nature is a key feature of my house. It was factored into the sales price and will be factored into the sales price when/if I decide to sell. The General Plan recognized that home owners are expecting the enjoyment and value of the home they purchased. If it were acceptable for any neighbor to decide to put a wall in someone else's view, houses would have massively reduced pricing as nobody could be assured of the value of what they were buying.

The General Plan and other related documents likely exist to give buyers a clear framework, so that there aren't major surprises that can pop up and that the worth of a home isn't in limbo if an adjacent property owner decides to build.

Alternatives

I am happy to discuss any proposed alternatives that would allow Chammount to add square footage but that do not negatively impact my enjoyment of my home and property nor reduce its market value.

Kind regards
Jennifer Larson

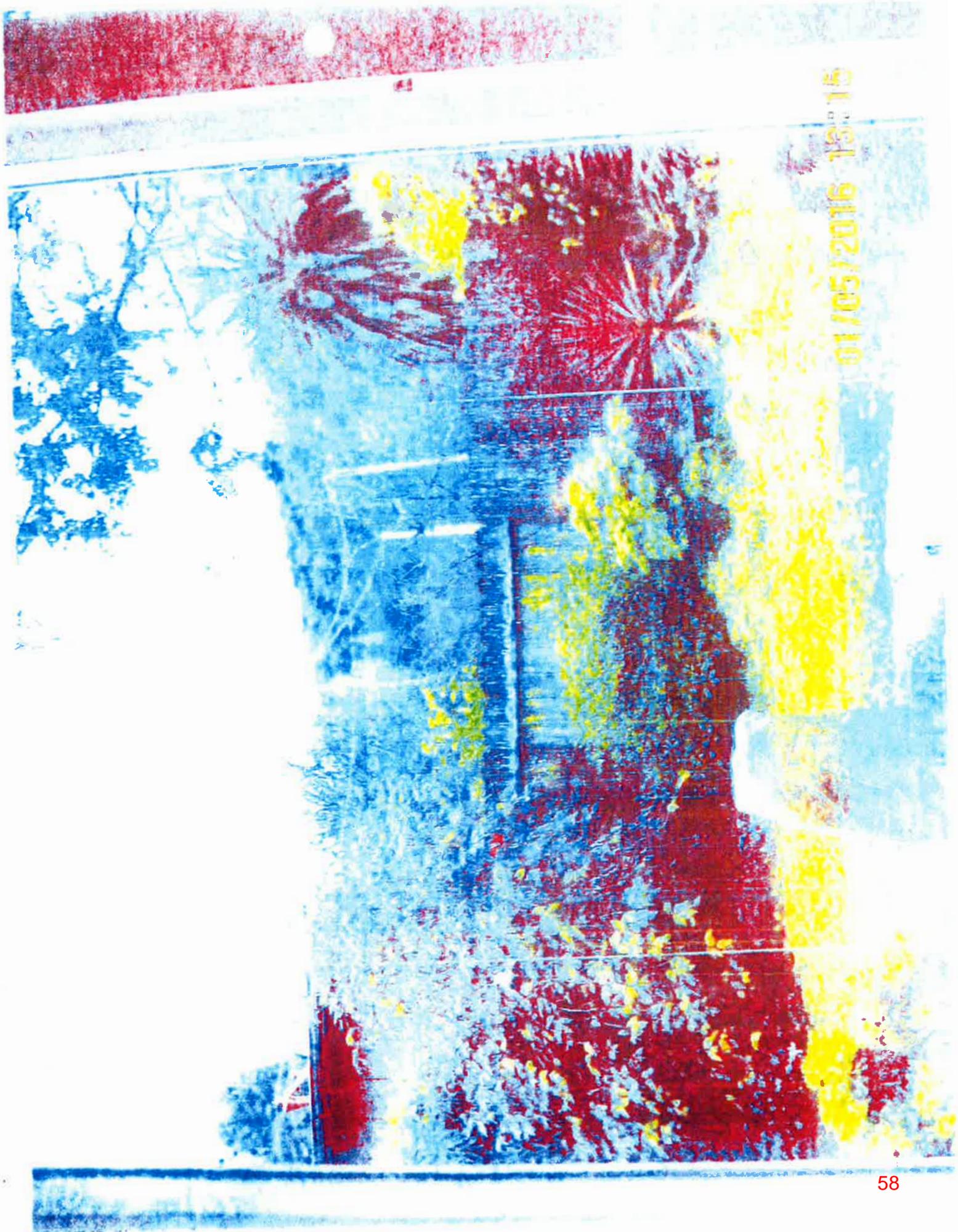


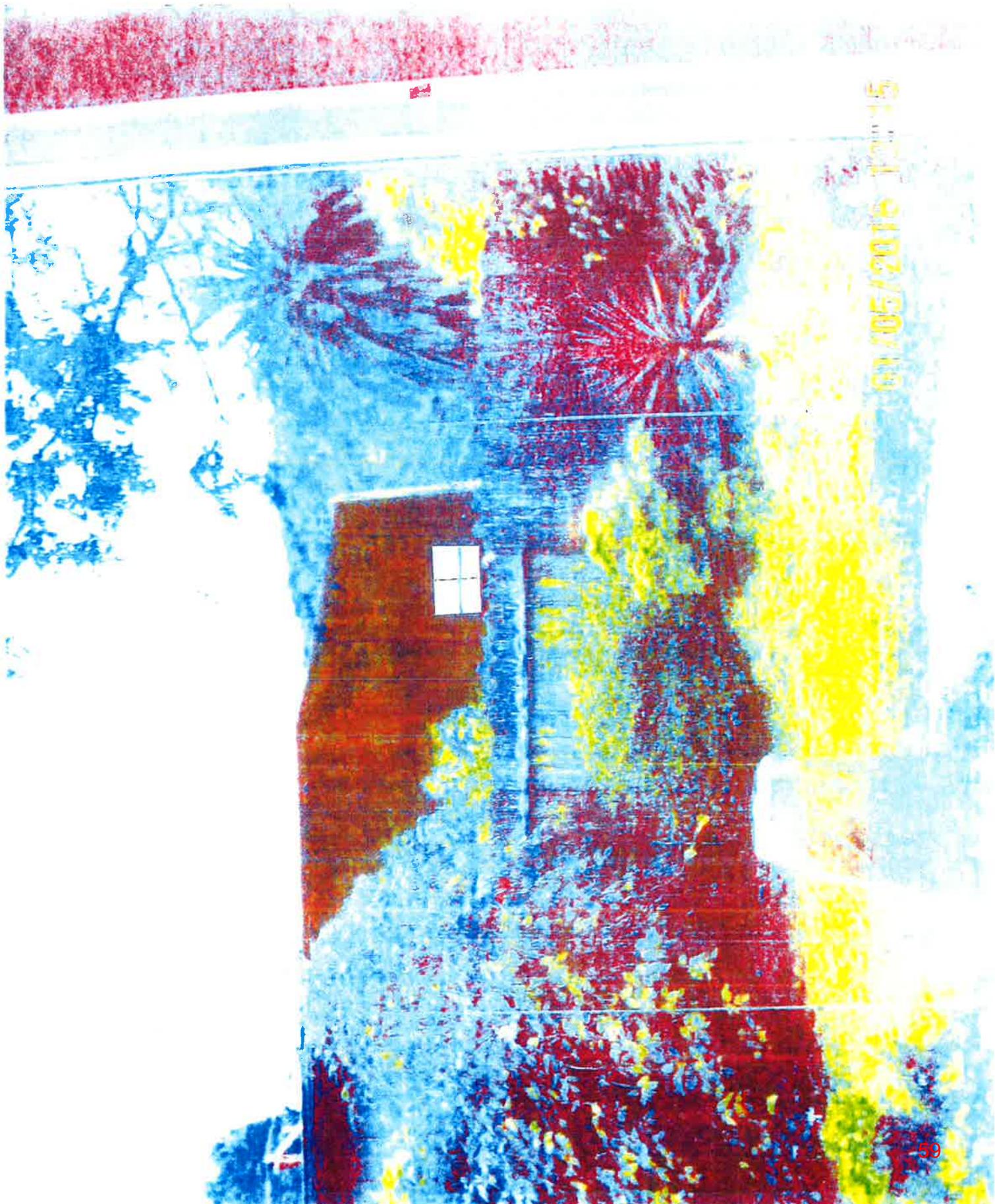


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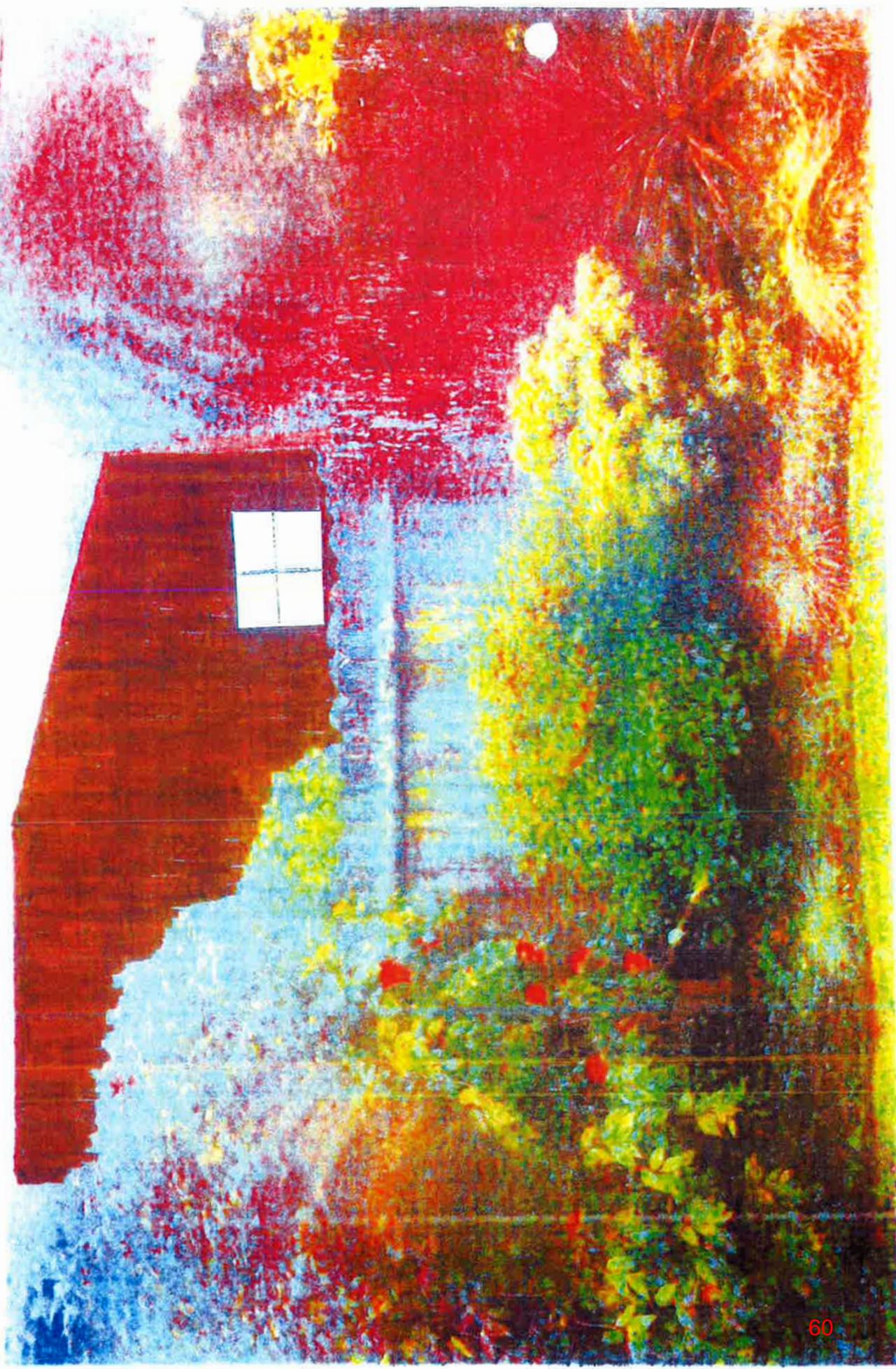


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01/05/2016 12:15



of the planning commission should be reviewed by the town council. No other possible grounds or reasons for the review shall be stated. No fee shall be required in connection with the filing of the notice of review.

(f) If an individual town councilmember calls up for planning commission review a decision of the planning director, pursuant to Section 18.34.010 of this section, or a decision of the zoning administrator, pursuant to Section 18.34.020 of this section, the notice of review shall state whether the planning commission's decision shall automatically proceed to the town council for review after review by the planning commission.

(g) Once an appeal or a "call up for review" has been timely made, pursuant to the provisions of this title, withdrawal of the appeal or the "call up for review" by the appellant or person effecting the "call up for review" shall not divest the town council of jurisdiction to consider and act upon the appeal or the "call up for review" as though no withdrawal had taken place, if the town council determines that the public interest would be best served to hear the matter. (Ord. 813 § 4, 1997; Ord. 785 § 3(b) (part), 1994)

18.34.060 Action of planning director and setting hearings.

(a) Following the filing of an appeal or notice of review permitted under this title, the planning director shall schedule the appeal or review for the next available meeting of the planning commission or town council, whichever is appropriate, provided, however, that said "next available meeting" shall be that meeting which next follows the passage of time, notice of which is required to be given under state and/or town law. The planning director shall transmit to the planning commission or town council a copy of the appeal or review, and copies of all applicable maps and documents, including minutes of public hearings, statements of findings, and of decisions made and of reports which may have been prepared by the planning director, zoning administrator and/or planning commission, setting forth their views of the facts and circumstances of the case.

(b) The planning director shall give notice to the applicant and to the appellant, if the applicant is not the appellant, to the person filing the notice of review, and may give notice to other interested parties, of the time when the appeal or review will be considered by the planning commission or town council. (Ord. 785 § 3(b) (part), 1994)

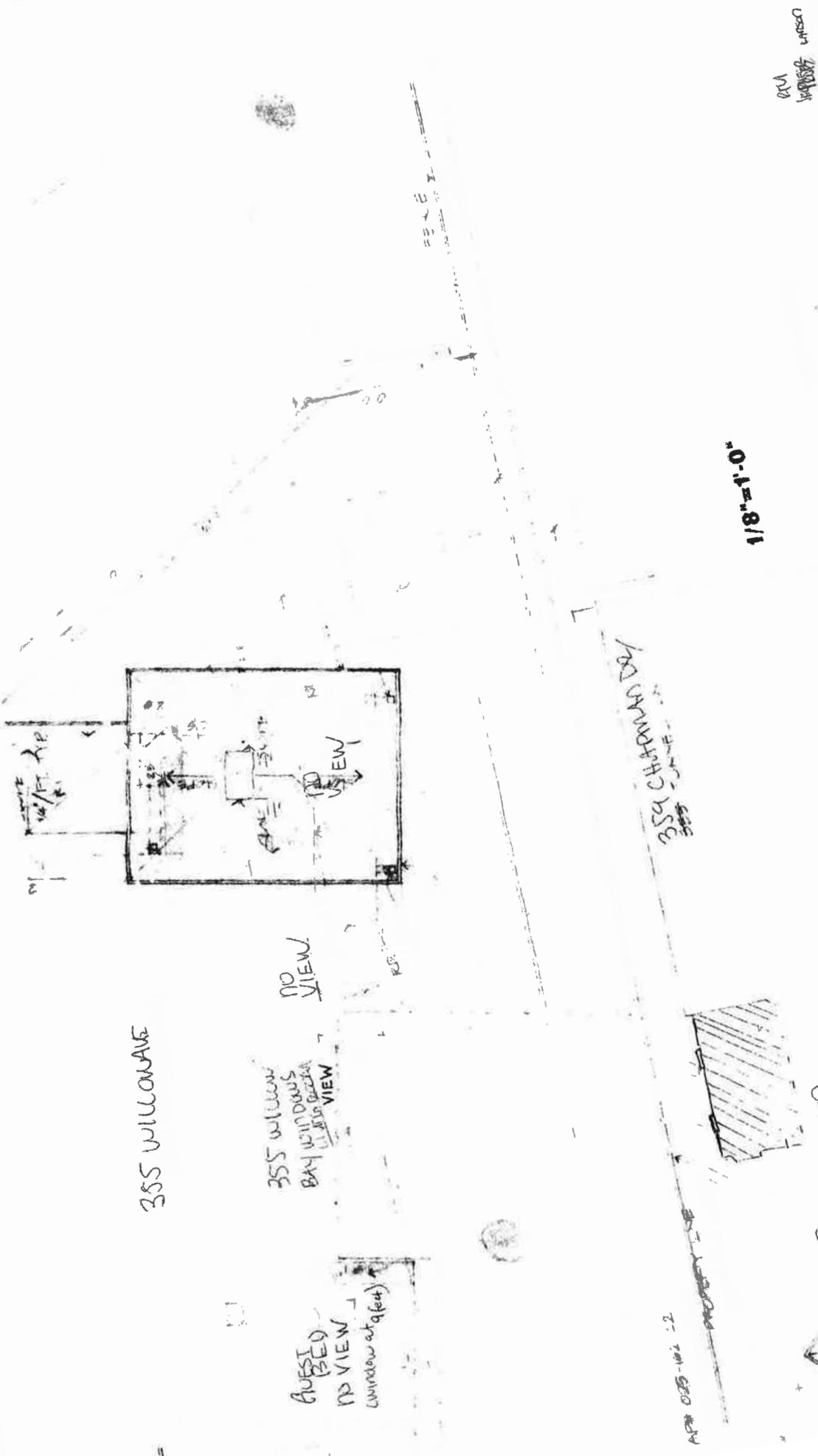
18.34.070 Planning commission action.

On an appeal from, or review of, an administrative decision or interpretation made by the zoning administrator, or on an appeal from, or review of, a decision of the

zoning administrator, the planning commission shall consider the matter at a meeting on the prescribed date, and may affirm, reverse or modify the decision of the planning director or zoning administrator, whichever is appropriate; provided, that if a decision denying a variance, design review or sign is modified, the planning commission, on the basis of the record submitted by the planning director and such additional evidence as may have been submitted or presented at the hearing, shall make the findings prerequisite to: (a) the granting of a variance prescribed in Chapter 18.28, Variances; or (b) design review, site plan or sign approval prescribed in Chapter 18.30, Design Review. If a member of the planning commission has called up a decision to be reviewed, that member shall have full participation rights in the hearing, unless actual bias or prejudice is otherwise shown. (Ord. 813 § 5, 1997; Ord. 785 § 3(b) (part), 1994)

18.34.080 Town council action.

On an appeal from a decision of the planning commission, or when the decision has been called up for review, the town council shall hold a public hearing on the matter on the prescribed date. The town council may affirm, reverse or modify the decision of the planning commission; provided, that if a decision denying a use permit, variance, design review, sign or preliminary development plan is reversed, or a decision granting a use permit, variance, design review, sign or preliminary development plan is modified, the town council, on the basis of the record transmitted by the planning director and such additional evidence as may have been submitted or addressed at the hearing before the council, shall make the findings prerequisite to the granting of: (1) a use permit prescribed in Chapter 18.26 of this title, Conditional Uses; (2) a variance prescribed in Chapter 18.28 of this title, Variances; (3) design review or sign approval prescribed in Chapter 18.30 of this title, Design Review; or (4) preliminary development plan prescribed in Chapter 18.18 of this title, Special Purpose Overlay Districts. The town council may remand the matter to the planning commission for its determination of appropriate conditions or the town council may make its own determination of appropriate conditions. If a member of the town council has called up a decision to be reviewed, that member shall have full participation rights in the hearing, unless actual bias or prejudice is otherwise shown. (Ord. 860 § 1, 2001; Ord. 813 § 5, 1997; Ord. 785 § 3(b) (part), 1994)



2011
1/18/07
UNISON

1/8"=1'-0"

355 WILLOWAVE

NO VIEW

355 WILLOW BAY WINDROWS
VIEW

QUEST BED
NO VIEW
(window at 9 feet)



COOPER'S
ADDITION

355 CHERRYWOOD



S L
ITE P AN

ICE PLAN



PROPOSED
ADDITION

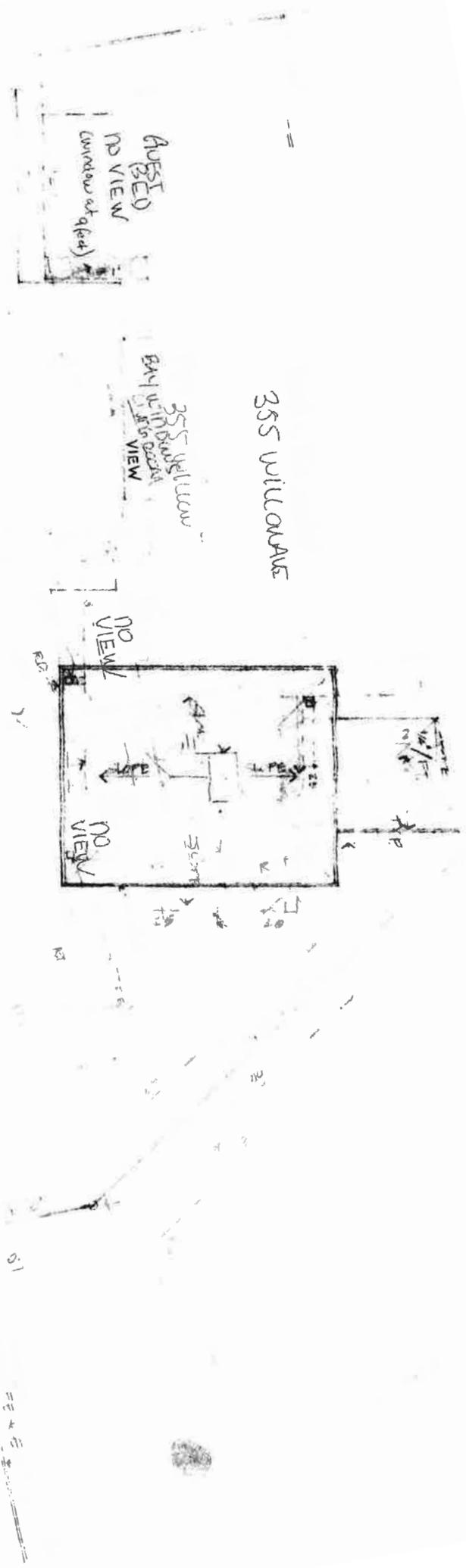


355 WILLOW AVE

359 CHERRYMAN

1/8"=1'-0"

PROPOSED
ADDITION



355 WILLOW AVE

BAY WITH DECK
NO VIEW

AUXILIARY (BED)
NO VIEW
(window of 4'x4')

NO VIEW

NO VIEW



TOWN OF CORTE MADERA
Permit Receipt
RECEIPT NUMBER 00000071

Account Number: 000086

Date: 2/18/2016

Applicant: JENNIFER LARSON

Type: charge # 5465

Notes: Payment for appeal of staff level design review approval at 359 Chapman Drive

<u>Permit Number</u>	<u>Fee Description</u>	<u>Amount</u>
PL-2016-0011 <i>-AP</i>	Appeal	300.00
	Total:	\$300.00

**ATTACHMENT 5 - Section 18.30.070 - Design Review Required Findings -
Corte Madera Municipal Code**

18.30.070 - Required findings.

The planning commission or zoning administrator may approve a design review or a sign application as it was applied for or in modified form if, on the basis of the application and the evidence submitted, the planning commission or zoning administrator makes all of the following findings:

(1)

The project conforms with the general plan, any applicable specific, area or community plan, master sign program and all provisions of the zoning ordinance.

(2)

The project will not unnecessarily remove trees and natural vegetation, will preserve natural landforms and, whenever possible, avoid development within fifty vertical feet of ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural beauty of the town.

(3)

The project will not significantly and adversely affect the views, sunlight or privacy of any nearby residences, will provide adequate buffering between residential and nonresidential uses, and otherwise is in the best interest of the public health, safety and general welfare.

(4)

The structure, site plan and landscaping are in scale and harmonious with existing and future development adjacent to the site, and in the vicinity, and with the landforms and vegetation in the vicinity of the site, and landscaping shall be based on water conservation designs.

(5)

Development materials and techniques will result in durable high-quality structures and landscaping.

(6)

The structures, site plan and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists and vehicles.

(7)

To the maximum extent feasible, the project includes the maintenance, rehabilitation and improvement of existing sites, structures and landscaping, and will correct any violations of the zoning ordinance, building code or other municipal codes that exist on the site.

(8)

The design and location of signs are consistent with the character and scale of the buildings to which they are attached or which are located on the same site, the signs are visually harmonious with surrounding development, and there are no illegal signs on the site.

(Ord. 842 § 3, 1999; Ord. 785 § 3(b) (part), 1994)

ATTACHMENT 6 - Chapter 2.16 - Planning Commission of Corte Madera
Municipal Code

- **Chapter 2.16 - PLANNING COMMISSION**

Sections:

- **2.16.010 - Purpose—Continuation.**

In order to make adequate provision for, and guide the future growth, development, beautification and efficient planning of the town, the planning commission of the town, created by Ordinance No. 152,* is continued in existence.

(Ord. 389 § 2, 1962)

Ord. 152 was repealed by Ord. 389 § 1.

- **2.16.020 - Appointment of members.**

The planning commission shall consist of five members to be appointed by the mayor with the approval of the town council.

(Ord. 389 § 3, 1962)

- **2.16.030 - Quorum—Powers and duties—Secretary.**

Three members of the commission shall constitute a quorum. The commission may make and alter rules and regulations for its own organization and procedure consistent with the ordinances of the town and the laws of the state. The commission shall have such powers, duties and obligations as are prescribed and specified in the Government Code of the state. The commission shall appoint a secretary who shall serve at the commission's pleasure and who need not be a member of the commission nor a resident of the town. The secretary shall receive compensation as determined by the council on recommendation of the commission.

(Ord. 535 § 1, 1970; Ord. 389 § 4, 1962)

- **2.16.040 - Reports.**

The town clerk shall, upon introduction, forward to the town planning commission, for its consideration, and a report when required by law, a copy of such ordinances, drawings, and such documents or resolutions as prescribed by the laws of the state. The planning commission may make a report or suggestion in relation thereto, when not required by state law, if it deems a report necessary or advisable, for the consideration of the council. All such reports when delivered to the town clerk shall be for the information of the public as well as of the town council and the commission shall furnish to any newspaper of the county, on request, for publication, a copy of such report.

(Ord. 389 § 5, 1962)

- **2.16.050 - Revision of town general plan.**

The planning commission shall initiate any needed revision of the town general plan in accordance with the Government Code of the state.

(Ord. 389 § 6, 1962)

- **2.16.060 - Meetings.**

There shall be furnished to the commission suitable quarters and facilities for the transaction of business and the carrying on of its investigations. The commission shall meet at least once a month.

(Ord. 389 § 7, 1962)

ATTACHMENT 7 - Excerpt of March 8, 2016 Planning Commission Minutes

7

EXCERPT OF

**MINUTES
REGULAR PLANNING COMMISSION MEETING
MARCH 8, 2016
CORTE MADERA TOWN HALL
CORTE MADERA**

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COMMISSIONERS PRESENT: Chair Peter Chase
Vice-Chair Phyllis Metcalfe
Commissioner Dan McCadden
Commissioner Tom McHugh
Commissioner Nicolo Caldera

STAFF PRESENT: Adam Wolff, Planning Director
Phil Boyle, Senior Planner
Doug Bush, Assistant Planner
Judith Propp, Town Attorney
Joanne O’Hehir, Minutes Recorder

1. OPENING:

- A. Call to Order** – The meeting was called to order at 7:30 p.m.
- B. Pledge of Allegiance** – Chair Chase led in the Pledge of Allegiance.
- C. Roll Call** – All the commissioners were present.

2. PUBLIC COMMENT – NONE

3. CONSENT CALENDAR – NONE

4. CONTINUED HEARINGS

5. NEW HEARINGS

- C. 359 CHAPMAN DRIVE, APPEAL of THE ZONING ADMINISTRATOR’S APPROVAL OF DESIGN REVIEW APPLICATION NO. 15-019 - TO CONSTRUCT A 465 SQUARE FOOT SINGLE STORY ADDITION AT 359 CHAPMAN DRIVE – PL-16-11-AP (Senior Planner Phil Boyle)**

Senior Planner Boyle presented the staff report. Mr. Boyle explained that the application is an appeal of a decision made by staff approving a Design Review Application for a 465 square foot addition to a single-story residence. Mr. Boyle said that the current

1 height is 11 feet and the proposed modifications would result in the highest point of the
2 residence being 17 feet 6 inches. He noted that the height adjacent to the appellant
3 would be approximately 13 feet. Mr. Boyle said that the design review application met
4 all the requirements of the R1 District, and he summarized the staff level design review
5 process.

6
7 Mr. Boyle said that staff worked with extensively with the applicant and the appellant to
8 reach a compromise. Staff drafted proposed conditions, which were sent to both parties,
9 which included a reduction in the roof pitch to reduce the bulk of the structure. He
10 confirmed the applicant had been amenable to the suggestion, and also to the
11 suggestion of an 8-foot fence to be installed in the area that is most affected to alleviate
12 privacy issues for the appellant. Mr. Boyle noted at that appellant still had concerns
13 about the project. However, since staff could make all the required Design Review
14 Findings, the project was approved in accordance with the Town's Design Review
15 planning process.

16
17 Mr. Boyle discussed the grounds for the appeal, including impacts to the appellant's
18 views and a negative impact to the value of the home and quality of life. Furthermore,
19 Mr. Boyle noted that there had been no other complaints from nearby neighbors. He
20 discussed the action the commissioners could take, which would be to confirm staff's
21 decision, reverse or modify staff's decision.

22
23 Commissioner Caldera and Mr. Boyle discussed the existing proposal. Mr. Boyle
4 confirmed that two new windows are proposed on the first floor.

25
26 In response to Vice-Chair Metcalfe, Mr. Boyle said that staff did not take measurements
27 of the shed height since it is not part of the proposal. He confirmed that the story poles
28 have not been changed to reflect the proposed condition as recommended by staff to
29 lower height the pitch of the roof, which Vice-Chair Metcalfe noted would have been
30 helpful.

31
32 Jennifer Larson, Appellant, said that photos of the project do not reflect what she will
33 see from her living room and she provided her own photographic materials to show the
34 impact on her property at 355 Willow. Ms. Larson provided background information on
35 the purchase of her home, noting that she would not have purchased the property had
36 there been a large wall in front of the living room window.

37
38 Ms. Larson said the proposed addition would affect her quality of life, which contravenes
39 the General Plan. She used a slide presentation to show that her neighbor will still be
40 able to maintain his views and asked that he consider building at the back of his
41 property. Ms. Larson discussed the reasons she believes the project does not meet
42 other policies in the General Plan.

43
44 In response to Commissioner Caldera, Ms. Larson confirmed that the addition's mass is
45 her main issue.

1 Michael Chammout, Applicant, said that the commissioners have visited the site; that he
2 has followed the process and that he and Ms. Larson discussed the addition before she
3 purchased her home.

4
5 Vice-Chair Metcalfe and Mr. Chammout discussed the proposed windows on the north
6 elevation, which Mr. Chammout noted would match the existing window elevation. He
7 said they could be removed if it helps the appellant.

8
9 In response to Chair Chase, Mr. Chammout discussed the reasons why it is unfeasible
10 to relocate the addition, which relate to the expense of relocating the plumbing and
11 mechanical systems. They discussed mechanisms for lowering the roof height with Mr.
12 Chammout noting that a hip roof is a more obvious choice to be symmetrical with the
13 main house roof.

14
15 Chair Chase opened the public comment period.

16
17 Peter Hensel, 128 Willow, discussed the view issue in relation to the findings and the
18 importance of views. He said that Ms. Larson's whole house was constructed around
19 the view.

20
21 Peter Orth, Meadowsweet, said the staff report is not accurate and that Ms. Larson's
22 views will be significantly impacted. Mr. Orth believes a fence would not mitigate the
23 view impacts and he noted that people in the town generally have one main view from
24 their house.

25
26 Richard Willis, 74 El Camino, commented on the importance of an outlook, and he
27 discussed a homeowner's right to a view in relation to the code. Mr. Willis said the
28 proposed addition breaks the rules.

29
30 Nicole Litchfield, 102 Edison, said she bought her home for similar reasons to the
31 appellant, which she discussed. Ms. Litchfield said she supports the appeal and that
32 she would not stay in her property if another homeowner blocked her view. She
33 discussed photographic materials to illustrate the problems affecting the appellant's
34 quality of life and property value.

35
36 Tina McArthur, realtor, discussed the view from the appellant's bay window and said
37 that the addition will substantially interfere with that view. Ms. McArthur noted that the
38 house was sited on the property to capture the ridgeline and greenery. She
39 acknowledged there are remodeling projects all around but the proposed addition is
40 extreme and affects the value of the appellant's home and should not be granted. Ms.
41 McArthur commented on the desirable real estate market and the value of the
42 appellant's home being limited if the structure is built.

43
Chair Chase closed the public comment period.

1 Ms. Larson said that it is not right for one person to take away another's view for their
2 financial gain and enjoyment. She said the comments made by the applicant are
3 untrue.

4
5 Commissioner McCadden commented on the proposed addition in relation to what the
6 code allows. He noted the project respects the setbacks and that a variance is
7 unnecessary, albeit the lot coverage would be maximized. Commissioner McCadden said
8 the bulk and mass are generous, but are not excessive. He asked staff if they could
9 offer further guidance in relation to the appellant's view issues.

10
11 Mr. Wolff explained that the findings broadly define views, and that the General Plan is
12 clear about balancing view issues with an owner's right to develop their property. He
13 said it is staff's experience that there will always be some impact, and what is judged to
14 be significant is sometimes difficult. Mr. Wolff acknowledged that the appellant's view
15 will be impacted by the proposed project but that in staff's view, additional views still
16 remained. He explained that the commissioners often must determine when a project is
17 considered to cause a significant view impact.

18
19 Counselor Propp discussed the commissioners' task, which she said is to affirm, reverse
20 or modify staff's findings.

21
22 Chair Chase commented on projects affecting neighbors and that, as a resident, he has
23 experienced impediments to his view and property. He said that there is little that can
24 be done about a property developer's rights, but that a design can be modified.

25
26 Mr. Boyle made a clarification regarding the story poles, which he said reflect the plans
27 and not the condition to reduce the roof pitch.

28
29 The commissioners discussed the modification to reduce the roofline, which Chair Chase
30 thought might have a minor affect.

31
32 Commissioner Caldera said he believes the proposed addition significantly impacts the
33 appellant because their view might be blocked by at least 50%. He said he does not
34 feel comfortable saying the effect will be minimal and the appellant should have to live
35 with it.

36
37 Commissioner McCadden said he supports staff's decision because the applicant could
38 have requested a significantly taller and larger building and, instead, they have limited
39 the size. He said that his personal evaluation is that the appellant's views will be
40 affected but that they could be impacted more significantly, noting that every project
41 affects someone's views in the main. Commissioner McCadden said there is no right
42 answer but that the project meets the Town's development standards.

1 Vice-Chair Metcalfe said that both sides need to compromise and she suggested a
2 significant design change that might be palatable and still afford the appellant a view.

3
4 Chair Chase said the impact is significant and should be addressed. He acknowledged
5 such problems are town-wide, and said that the applicant could grow a bamboo hedge
6 that blocks the appellant's view without redress. Chair Chase said he agreed with Vice-
7 Chair Metcalfe's comments that the floor plan could be modified and the roof pitch and
8 height could be lowered to be acceptable to the appellant.

9
10 Mr. Chammout explained the reasons why he disagreed with the commissioners'
11 proposed adjustments.

12
13 Counselor Propp explained that the application could not be withdrawn, that the
14 commissioners must make a decision and that both the applicant and appellant have
15 appeal rights.

16
17 Commissioner McCadden said the proposed changes are onerous and difficult and
18 might cause undue modifications that do not make a significant difference.

19
20 Commissioner Caldera said he believes that changes to the proposal are needed and
21 Commissioner McCadden said he would affirm staff's decision with roof modifications.

22
23 Counselor Propp noted that the Planning Commission does not retain jurisdiction and
24 should not continue an ongoing discussion. She said the public hearing could be re-
25 opened to hear further comment but that the commissioners need to make one of the
26 three decisions already discussed, continue the hearing or ask if the parties are willing
27 to reconsider the design. Counselor Propp said the requested modifications would have
28 to be specific.

29
30 The commissioners discussed modifications to the proposed design and consensus
31 was reached about the maximum height and extent of the addition.

32
33 **MOTION:** Motioned by Commissioner McCadden, seconded by Vice-Chair
34 Metcalfe, to approve Resolution No. 16-009, modifying the Zoning
35 Administrator's approval of Design Review Permit No. 15-019, thereby allowing
36 the construction of a 465 sq. ft. addition to the existing single family residence at
37 359 Chapman Drive, with the following conditions:

- 38
39 1. The maximum height of the addition will not exceed 12' 6";
40 2. Appropriate plantings to the northern edge of the property will be installed,
41 not to exceed the height of the addition's eaves;
42 3. The length of the addition on the west side will be reduced by 1 foot;
43 4. The windows on the north side of the addition can be moved horizontally but
44 not vertically, or can be removed at the Applicant's discretion.
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AYES: Metcalfe, Chase, McCadden, Caldera
ABSENT: McHugh

Mr. Boyle read the appeal rights.

8. ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 12:15 a.m.

O:\Planning Department_02 PLANNING APPLICATIONS AND PROPERTY FILES\A-J\CHAPMAN DR\359 Chapman Dr\359 Chapman Dr. Appeal TC\365 Chapman Appeal Excerpt of PC 03-08-16 Final Minutes.docx

ATTACHMENT 8 – 2015 Planning Commission Rules and Procedures

PLANNING COMMISSION

RULES AND PROCEDURES

2015

Approved by Motion at the Town
Council regular meeting held on March
17, 2015

**TOWN OF CORTE MADERA PLANNING COMMISSION
RULES AND PROCEDURES**

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ARTICLE 1 PLANNING COMMISSION

1.1 Purpose of Commission In order to make adequate provision for, and guide the future growth, development, beautification and efficient planning of the town. (CMC Sec. 2.16.010; Ord. 389.2, 1962)

1.2 Purpose of Rules and Procedures In order to address the purpose of the Commission, governing regulations shall:

1.2.1 Ensure the orderly and efficient conduct of the Commission's meetings;

1.2.2 Promote the rights of applicants and citizens to have adequate notice of matters scheduled before the Commission;

1.2.3 Provide a fair and reasonable opportunity to appear and be heard on matters before the Commission.

1.3 Additional Applicable Laws In addition to these Rules and Procedures, the Commission is governed by:

1.3.1 California State Law, specifically:

- Title 5—Local Agencies: Division 2, Chapter 9 –Meetings
“The Ralph M. Brown Act” (GC54950 et seq)
- Title 7 – Planning and Land Use (GC65000 et seq)
- Title 7 – Planning and Land Use, Division 2, Chapter 1-Subdivisions
“The Subdivision Map Act” (GC66410)

1.3.2 Corte Madera Municipal Code, specifically:

- Title 2 – Administration and Personnel
 - Chapter 2.06 Boards and Commissions (2.06.010 et seq)
 - Chapter 2.16 Planning Commission (2.16.010 et seq)
- Title 17 –Subdivisions (17.04.010 et seq)
- Title 18 –Zoning (18.02.010 et seq)

ARTICLE 2 PLANNING COMMISSION MEMBERS

2.1 Appointments -- Terms The Planning Commission shall consist of five members to be appointed by the mayor with the approval of the Town Council. (CMC Sec. 2.06.050; Ord. 643.1(part), 1976; Ord. 556.1 (part) 1971)

2.1.1 Members shall serve a term of two years and until their respective successors are appointed.

- All members shall be eligible for reappointment.
- Terms of commission members shall be on a staggered basis, with the majority of terms expiring on even numbered years and the minority of terms expiring on odd numbered years.

- Members shall be subject to removal by motion of the Council adopted by at least four affirmative votes.

2.2 Duties of Commission Members It is the duty of each Commissioner to prepare for, attend and cast votes at meetings unless excused or required to abstain.

2.2.1 Attendance is required at all Commission meetings and the assigned coverage of the Town Council meetings in addition to any special public hearings or workshops.¹

- A Commissioner, knowing of his/her absence prior to issuance of the agenda on the Friday of the scheduled Tuesday meeting, shall provide notice to the Planning Director or Chair so that attendance and quorum can be established prior to the meeting;
- A Commissioner's unexpected absence, due to unusual or unforeseen circumstances, requires the commissioner to notify the Planning Director or Chair the day of the meeting;
- Absences of Commissioners shall be recorded in the meeting minutes, and
 - More than two absences by a Commissioner annually may initiate a review of the Commissioner's attendance record by the Commission or the Town Council and the possible removal from the Commission,
 - If a member of the Commission absents him or herself from three consecutive regular meetings, unless by permission of the commission expressed in its official minutes, or ceases to be a qualified elector of the Town, his/her office shall become vacant and shall be so declared by the Town Council. (CMC Sec. 2.06.060; Ord.556.1(part))

2.2.2 Abstention from voting and leaving the dais is required by a Commissioner who has a conflict of interest as respects the matter before the Commission.

- A conflict exists if Commissioner's interests fall under any of the following conditions:
 - A Commissioner has a personal or financial interest in the matter before the Commission; (GC1090 et seq.)
 - State law otherwise declares a Commissioner's participation to be a conflict of interest; (GC87100 et seq.)
 - A Commissioner is disqualified because of his/her absence from the hearing on the matter and has not reviewed the testimony and evidence presented and is therefore unable to make the necessary knowledgeable findings.
- If a Commissioner must abstain from a vote, the Commissioner shall declare this fact for the record and the reason for it. If abstention is required due to conflict of interest, he/she shall leave the dais, and may be required to leave the room under state law.

¹ Excused absences are defined as illness and family or business responsibilities. All other absences shall be considered unexcused unless found to be necessary by a majority vote of the other Commissioners.

The record of the vote shall show the Commissioner abstained.
(GC87100 et seq.)

2.2.3 Expected preparation by Commissioners prior to the meetings includes reviewing conditions of the application and studying the agenda packet and any other provided information to be able to knowledgably discuss the project(s) and make required findings after formal presentation to the Commission. Questions of clarification may be submitted to staff prior to the meeting. A Commissioner is expected to make every effort to visit the applicant's site to obtain a more informed understanding of the project.

- A Commissioner may set an appointment to meet with the applicant for the site review during the noticed period of the project's review.
- A Commissioner may use an area notification list with contact numbers for adjacent stakeholders, prepared by staff, so he/she can contact these stakeholders, if necessary.

2.2.4 The Planning Commission shall initiate any needed revision of the Town General Plan in accordance with the Government Code of the State. (CMC Sec. 2.16.050; Ord. 389.6, 1962)

2.3 Officers At the first regular meeting in July of every year, the Commission shall elect a Chair and Vice-Chair. (CMC Sec. 2.06.080; Ord.865.1 (part), 2001. Ord. 556.1 (part), 1971)

2.3.1 The officers shall serve for one year or until their successors are elected.

2.3.2 If a vacancy in any office occurs, it shall be filled by election and the replacement shall serve for the duration of the unexpired term.

2.4 Duties of the Commission Chair In addition to the Chair presiding at all meetings of the Commission, duties shall include:

2.4.1. To decide points of order and procedure and appoint committees as necessary and sign official documents of the Commission as required;

2.4.2 Perform other duties formally assigned by the Commission or by statute.

2.5 Duties of the Commission Vice-Chair In addition to assuming the duties of the Chair whenever that person is temporarily unable to serve duties shall include:

2.5.1 To discharge such other functions as the Commission Chair may from time to time request.

2.6 Designation of a Chair Pro-tempore If the Chair and Vice-Chair are absent or unable to act, the Commissioners who are present may designate a Chair Pro- Tempore to preside over the meeting.

2.7 Secretary to the Commission The Director of Planning and Building shall serve as Secretary to the Commission and, as such, shall have the following duties:

2.7.1 To prepare the agenda and set matters for public hearing, including applications, matters raised by referral from the Town Council, appeals from decisions of the Zoning Administrator and other matters as directed by the Commission;

2.7.2 To be responsible for such public notices as may be required by State law, Town ordinance and Resolutions of the Commission;

2.7.3 To take attendance of Commissioners at each meeting;

2.7.4 To be responsible for recording, preparing and maintaining the approved Official Minutes of all meetings of the Commission and other official records and documents;

2.7.5 To prepare Resolutions reflecting the Commission's findings and decision for each matter to be submitted to the Commission for final approval;

2.7.6 To examine incoming mail and e-mail for proper and timely referral, and conduct all correspondence on behalf of the Commission, through the Chair, including advising applicants of Commission decisions;

2.7.7 To perform such other duties as may be required by statute or assigned by the Commission.

ARTICLE 3 COMMISSION MEETINGS

3.1 Purpose of Meetings Public commissions in this State exist to aid in the conduct of the people's business and that their actions be taken openly and that their deliberations be conducted openly. (GC54950 et seq.)

3.1.1 All meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meeting of the Commission. (GC54953)

3.1.2 All meetings of the Commission shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990. (42 U.S.C. Sec 12132; GC 54953.2)

3.1.3 The Commission, based on advice of counsel, can hold a closed session, excluding public attendance and participation to confer with or receive legal advice. (GC54956.9)

3.2 Regular Meetings of the Commission The regular meetings of the Commission shall be held on the second and fourth Tuesday of each month, at 7:30 pm, in the Council Chambers of Town Hall at 300 Tamalpais Drive in the Town of Corte Madera.

3.2.1 A regular meeting may be cancelled for lack of agenda items or lack of a quorum by the Commission Chair, a majority of Commission members or the Secretary to the Commission.

3.2.2 Determining a quorum. The participation of a majority of the Commission membership, consisting of three members, constitutes a quorum for the transaction of business:

- The Chair or Secretary shall adjourn the meeting if there is no quorum;

- If a Commissioner disqualifies his/herself on a particular item, his/her presence is not counted in determining the quorum;
 - If there is no quorum on a particular matter, consideration of the matter shall be deferred until a quorum of qualified Commissioners is present,
 - If no quorum is possible, the common-law rule known as the "Rule of Necessity" may apply.

3.2.3 Adjournment of meeting. Meetings shall be adjourned by 11:00 pm unless the Commission votes to extend the meeting. (GC54955)

- A motion for adjournment is always in order and upon a second shall be voted on without debate.
- No new item will be commenced after 10:00 pm unless otherwise decided upon by a vote of the Commission.
- Extension of the meetings shall be done in 30-minute increments.

3.3 Other Types of Commission Meetings In addition to the regularly scheduled meetings, the Commission may conduct any of the following types of meetings with the actions taken openly and deliberations conducted openly as they are at regular meetings of the Commission and with the same notice requirements unless otherwise noted.

3.3.1 Continued Meeting The Commission may continue a hearing to a subsequent meeting stating the specific date, time and place of such meeting at the time of adjournment of the meeting to be continued.. The continued meeting shall take up its business at the point in the agenda where the motion to adjourn was acted upon. (GC54955.1)

3.3.2 Special Meeting A special meeting may be called at any time by the Chair of the Commission or upon written request of a majority of the members of the Commission. Notice of such meeting must be posted at least 24 hours before the time of the meeting and no business other than that included in the notice may be transacted or discussed. (GC54956)

3.3.3 Study Session The Commission may hold a study session to review and discuss proposals, reports, exhibits and other evidence previously received and available for inspection by the public. No new evidence or testimony shall be received at the study session. This type of meeting may be scheduled, with proper notice, during a regular or special meeting by the Secretary to the Commission with the concurrence of the Commission Chair. (GC54954, GC54954.2, GC54956)

3.4 Distribution of Materials Any materials or writings which are public records and which are distributed at a Commission meeting shall be made available for public inspection at the meeting if prepared by the Town, or after the meeting if prepared by some other persons. (The California Public records Act GC 6253 et seq., GC54957.5)

3.5 Recording of Meetings Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in our State. (The California Public Records Act GC6250 et seq.)

3.5.1 Recordings made by the Commission Any audio or video recording of an open and public Commission meeting made by or at the direction of the Commission, shall be

subject to inspection by members of the public. The Secretary to the Commission shall ensure that any such recordings are maintained for at least 60-days following the taping or recording.

3.5.2 **Recordings made by the public.** Persons attending an open and public meeting of the Commission, may at their own expense, record the proceedings with an audio or video tape recording or a camera or may broadcast the proceedings. However, if the recording or broadcasting constitutes a persistent disruption of the proceedings, any such person shall be directed by the Chair of the Commission to stop.

3.6 **Minutes of Meetings** The Secretary to the Commission shall have minutes taken of all meetings of the Commission and shall record all actions taken by the Commission. (GC54957.5)

3.6.1 **Contents of Minutes** The minutes shall record the name of the Commissioner making a motion, the name of the Commissioner seconding it, and the vote attributing each "yea" and "nay" vote or abstention, unless the motion carries unanimously;

3.6.2 A Commissioner may have the reasons for his/her vote recorded in the minutes if he/she so requests at the time of the vote;

3.6.3 The minutes shall be public records and shall be available for inspection by the public;

3.6.4 The minutes shall be made available in appropriate alternative formats, if requested, so as to be accessible to persons with a disability. (The Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132, GC549

ARTICLE 4 MEETING AGENDAS

4.1 **Purpose of Agenda** A written agenda is to be prepared to inform the public of the time, place and purposes of the Commission meeting. The agenda shall include the order of and a brief description of each item to be transacted or discussed at the meeting. (GC6250 et seq, GC54954 et seq)

4.1.1 No business may be acted upon or discussed which is not on the agenda, except when one of the following occurs:

- An item appeared on the agenda of and was continued from a previous meeting;
- Two-thirds of the Commission members determine there is an immediate need for immediate action and the need arose after the agenda was posted.

4.1.2 The order of business may be changed at the meeting by consent of the Commissioners.

4.1.3 The agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability. (American with Disabilities Act of 1990 42 U.S.C. Sec 12132)

4.2 Preparation of Agenda The agenda for each regular or special meeting or study session shall be prepared by the Secretary to the Commission in cooperation with the Commission Chair.

4.2.1 Attention should be given to scheduling so time is allotted for complex items to receive adequate time staff reports, applicant presentation, public comment and discussion and action by Commissioners. Additional items will be scheduled for the next available meeting when possible.

4.3 Required Wording on Agenda. In addition to the date, time and place of the meeting, and a listing of the items of business, the agenda shall include this wording under the appropriate section:

- Public Comment: "The public is invited to address the Planning Commission on any matter in the Commission's jurisdiction, except for items scheduled for continued or new hearings. Comments are limited to three minutes per speaker."
- Consent Calendar: "All items placed on the consent calendar may be acted on collectively on a motion by any Commissioner, and each shall be deemed to have received the action recommended by staff. Any Commissioner or member of the public may request the removal of any item from the consent calendar and it will then be considered last under New Hearings."

4.3.1 Additional Procedural Notes are to appear at the end of the agenda providing information for the benefit of the general public that will be updated if statutes change;

4.3.2 In compliance with the Americans with Disabilities Act, instructions on how to receive any auxiliary assistance and/or services needed by those with a disability are to be listed.

4.4 Order of Business The business of the Commission shall be taken up in the following order at each regular meeting unless the Commission members consent to change such order:

1. Opening
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
2. Public Comment
3. Consent Calendar
 - A. (first item)
 - B. (additional items, as scheduled)
4. Continued Hearings
 - A. (first continued hearing)
 - B. (additional hearings, as scheduled)
5. New Hearings
 - A. (first new hearing)
 - B. (additional hearings, as scheduled)

6. Other Business Items
 - A. (first item of business)
 - B (additional items, as scheduled)
7. Routine and Other Matters
 - A. Reports, Announcements and Requests
 - Commissioners
 - Planning Director
 - B. Minutes
8. Adjournment

4.5 Distribution and Posting of Agenda At least 72 hours before a regular meeting and 24 hours before a special meeting of the Commission, notification must be given of the time, place and purpose of such meeting. (GC54954.2 et seq.)

4.5.1 The agenda with all supporting documents constituting the agenda packet shall be distributed to each Commission member, the town's legal counsel, and each applicant at least 72 hours before each meeting.

4.5.2 The agenda shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site. In addition to specifying the time and place of the meeting, the agenda shall include a brief general description of each item of business to be transacted or discussed. Posted Corte Madera locations shall include billboards located at:

- Town Hall, 300 Tamalpais Drive
- United States Post Office, 7 Pixley Avenue
- Fire Station #13, 5600 Paradise Drive

4.5.3 Any person may request in writing that a copy of the agenda or a copy of all the documents constituting the agenda packet, of any Commission meeting be mailed to that person. Any such request for mailed copies shall be valid for the calendar year in which it is filed and must be renewed following January 1 of each year. A fee, not to exceed the cost of providing the service, may be established for mailing the requested materials. (GC5494.1)

ARTICLE 5 MEETING PROPRIETY

5.1 Deliberations of Commission Members In order for the Commissioners to have constructive meetings, "Robert's Rules of Order, Revised," the basic guide for fair and orderly meetings, shall govern their deliberations in all matters of procedure not specifically indicated in the governing regulations stated in these Rules and Procedures.

5.1.1 Actions taken by Commissioners The requirements for passage of a motion as respects a recommendation or resolution: (GC54952.6)

- A motion requires a simple affirmative majority vote of the quorum to carry, except as otherwise required by law,
- A motion to recommend a General Plan amendment requires an affirmative majority vote of the entire Commission, (GC65354)
- A motion with two or more separate propositions, may be divided upon the accepted request of a Commissioner to the maker and seconder of the motion,
- A tie vote fails to pass for lack of an affirmative majority,
- A “vote to deny without prejudice” means the applicant may re-file the same or a similar application within the usual one-year waiting period
- Commission members cannot act on matters brought before them that are not listed on the agenda for action.

5.2 Public Participation and Decorum at Commission Meetings Members of the public may speak to the Commission either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Commission. (GC54950 et seq.)

5.2.1 In the event that any meeting is willfully interrupted by the actions of one or more persons so as to render the orderly conduct of the meeting infeasible, the Chair may recess the meeting and have the person(s) removed from the meeting room.

5.2.2 Speakers who use offensive language or make threatening statements may be removed from the podium and denied the opportunity to return to the podium for the rest of the meeting if the Chair feels such activity impairs the conduct of the meeting.

5.2.3 Each speaker is requested to state his/her name and address as the meeting is being recorded.

5.2.4 Each speaker will be allowed three minutes per topic:

- Persons speaking to an item not on the agenda shall do so at the time indicated on the agenda for public comment, but no action can be taken on the item,
- Persons speaking to a matter on the agenda, including those on the consent calendar, shall be heard before a vote is taken on the item.

5.3 Public Hearing Procedures Commissioners may question any speaker during the hearing, but may not introduce a motion on the matter until the public hearing is closed.

5.3.1 Each scheduled public hearing shall proceed in the following order:

- Commission Chair opens the public hearing
- Planning and Building Director or other staff member presents the staff report which includes:
 - general nature of the proposal
 - land use consideration and environmental review
 - reports from any other department, if any
 - any correspondence received
- Applicant and/or a designated representative may provide a 15 minute presentation (If the applicant does not appear, the Commission may proceed based on the record before it)
- Public comments by those in support or opposition of the application
- Applicant’s rebuttal to public comments

- Commission Chair closes public hearing
 - Commissioners deliberate and take action; the vote may include direction to staff to make changes in the prepared resolution when motion to approve passes
- 5.3.2 Any public hearing may be continued to the next regular meeting date or to any other hearing date

ARTICLE 6 MISCELLANEOUS

6.1 Amendments These Rules and Regulations may be amended, as needed, by a majority affirmative vote of the Planning Commission and ratification by the Town Council.

6.2 Amendments to Referenced Statutes References to State statutes or Town ordinances, shall be deemed to include any successor statute or ordinance or any amendments to successor statutes or ordinances.

6.3 Conflict of Governing Documents In any conflict between the Planning Commission Rules and Procedures and State statutes or Town ordinances, the State and Town regulations preempt those of the Commission.

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ATTACHMENT 9 Staff Report and Attachments from March 8, 2016

**CORTE MADERA PLANNING COMMISSION
STAFF REPORT**

ITEM NO. 5C **REPORT DATE:** **March 3, 2016**
 MEETING DATE: **March 8, 2016**

SUBJECT: **APPEAL APPLICATION NO. PL-16-11-AP - APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF DESIGN REVIEW APPLICATION NO. DR 15-019 - TO CONSTRUCT A 465 SQUARE FOOT SINGLE STORY ADDITION**

SITE: **359 CHAPMAN DRIVE**

PROJECT APPLICANT FOR DR 15-019 **MICHAEL CHAMMOUT**

APPELLANT: **JENNIFER LARSON**

CEQA STATUS: **THE PLANNING DEPARTMENT DETERMINED THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINES SECTION 15301 CLASS(E)(2) – EXISTING FACILITIES.**

PROCEDURE: **THE PLANNING COMMISSION'S DECISION IS FINAL UNLESS APPEALED TO OR CALLED UP BY THE TOWN COUNCIL WITHIN TEN CALENDAR DAYS.**

SITE INFORMATION:

Zoning: R-1 (Medium-Density Residential) District
Existing Development: Existing 1,324 sq. ft. single story residence
Lot Size: 7,918 sq. ft. lot area

SUMMARY:

On February 5, 2016, the Zoning Administrator approved Design Review Application No. 15-019 – A request for a 465 square foot single story addition and remodel of the existing house at 359 Chapman Drive. The proposed addition includes master suite and dining area additions toward the west. The proposed addition meets the height, setback, lot coverage, and floor area ratio regulations for the R-1 Medium Density Residential Zoning District.

On February 12, 2016, the adjacent property owner to the north (355 Willow Avenue) filed an application appealing the Town's approval of Design Review Application No. 15-019 (Attachment 1). The appeal is based on the grounds that the approval omitted multiple sections of the General Plan that focus on view preservation and that no metrics were used to evaluate the project. The appellant also states that the addition will not only eliminate her short and long term view from the living room bay windows - the focal point of the house and her single view – but does so by constructing a massive wall in the foreground that would drastically, negatively and forever, alter the relationship of her house and property to its natural surroundings. The appellant also states that the proposed addition at 359 Chapman Drive will have a significant negative impact on the value of her home and her quality of life and that the decision to approve the Design Review Application should have been made on the basis of facts, analysis, and metrics.

BACKGROUND:

Following is a chronological listing of events pertaining to the staff level Design Review Application for 359 Chapman Drive Addition No. DR 15-019 and the Appeal Application No. PL-16-11-AP:

- July 9, 2015** An application for Minor Design Review was filed for the addition to the existing residence at 359 Chapman Drive.
- July 29, 2015** The Planning Department determined the application to be complete; and recommends that the project qualifies for categorical exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines.
- September 28, 2015** Notices were mailed to all properties within 300 feet and posted.
- Sept. 2015 to Feb. 2016** Staff worked with the applicant of 359 Chapman Drive (Michael Chamhout and the adjacent neighbor at 355 Willow Avenue (Jennifer Larson) in an attempt to reach a compromise that met the needs of both parties.
- February 5, 2016** Staff approved Design Review Application No. 15-019 – for a 465 square foot single story addition and remodel of the existing house at 359 Chapman Drive (Attachment 2 and 5). The addition meets the height, setback, lot coverage, and floor area ratio regulations for the R-1 Medium Density Residential Zoning District. Staff analyzed the concerns from the neighbor at 355 Willow Avenue, added conditions of approval to mitigate the project impacts and made all of the required findings for Design Review Approval.
- February 12, 2016** The adjacent property owner to the north (355 Willow Avenue) filed an application appealing the Town's approval of Design Review Application No. 15-019.
- February 25, 2016** A public notice of the Appeal Application No. PL-16-11-AP was posted and sent to all property owners within 300 feet of 359 Chapman Drive.
- March 8, 2016** The Planning Commission holds a public hearing regarding Appeal Application No. PL-16-11-AP

ANALYSIS:

Design Review Approval of 359 Chapman Drive Addition

Town records show that the house at 359 Chapman Drive was constructed in 1949, a setback variance was approved in 1960 in construct a 10' x 18' shed adjacent to Tunnel Lane and the carport/garage was constructed in 1966. In 2009 the kitchen and bathroom were remodeled and a new bay window was installed.

<u>CONDITION</u>	<u>ORDINANCE REQUIREMENT</u>	<u>EXISTING CONDITION</u>	<u>APPLICANT'S PROPOSAL</u>
Minimum Lot Size	7,500 sq. ft. min.	7,918	No change
Front Setback(Chapman Drive)	20'	25'	No change
Rear Setback (Tunnel Lane)	25' minimum	56'	63'
North Side Setback	6' minimum	5'	6'
South Side Setback	6' minimum	3'	No change
Lot Coverage	30% maximum	25%	30%
Floor Area Ratio	40% maximum	17%	23%
Structure Height	30' maximum	± 11.5'	±17'
On-Site Parking	2 spaces	2 covered spaces	No change

The 7,918 sq. ft. parcel is relatively flat and fronts on both Chapman Drive and Tunnel Lane. The neighborhood consists of one and two story houses with most of the homes on level lots being single story and the houses on the adjacent hills being multiple stories.

The existing residence is setback 56 feet from the property line adjacent to Tunnel Lane which reads as the front of the lot. The residence is 25 feet from the property line adjacent to Chapman Drive and approximately 25 feet from the residence to the north, the appellant, and 8 feet from the residence to the south. The ten or so lots to the south of the project site, bordered by Chapman Drive and Tunnel Lane are very similar in size, shape and topography and the house themselves are very similar in height, style and size; most are single story with modest additions. Two trees are proposed to be removed for the addition, neither are providing privacy or shading to adjacent neighbors due to their location and size.

The approved Design Review (DR) Application includes a master suite and dining area addition toward the west. The master suite addition extends approximate 17 feet to the west and the dining room addition approximately 10 feet to the west. The project also includes modifications to the entire roof of the house. The application plans show the existing almost flat roof with a 1 and 12 pitch changing to a shed and gable roof with 4.5 and 12 and 3.5 and 12 roof pitches. The maximum height of the roof will change from approximate 11 feet 6 inches to approximately 17 feet in the center portion of the house. Only the new roof of the 10 foot dining room addition is significantly visible from adjacent properties.

A public notice was sent to all property owners within 300 feet of the project on Monday, September 28, 2015. The only comments received by staff in response to the notice was from the appellant

Staff worked extensively with both the applicant and the appellant over several months meeting on the site and individually at Town Hall to attempt to reach a compromise. Prior to approving the DR Application, staff asked both parties if they were willing to offer compromises that could be made to resolve any issues. The owner of 355 Willow Avenue did state in a letter that she would be open and amendable to options that would allow the neighbor to add square footage, but that would not involve blocking her view and limiting her future options to add patio space. No specific compromises were offered, so staff proposed two conditions to mitigate the privacy and visual impacts from the master bedroom addition which includes two new windows (3⁰4⁶) on the north elevation and the increase in roof height ($\pm 11.5'$ to $\pm 17'$). The two conditions included in the approval letter are:

1. Plans submitted for building permit shall include a solid wood fence with a height of 8 feet from at least the eastern end of the addition to the western end of the addition. The applicant shall also include a letter of consent from the owner of 355 Willow Avenue approving the location and height of the fence.
2. Plans submitted for building permit shall also include a 3½ and 12 roof pitch throughout the building to reduce the bulk, mass and impact of the building.

Staff was able to make all of the required Design Review Findings to approve the project. Particularly relevant to this project is Finding #3 which states that:

The project will not significantly and adversely affect the views, sunlight, or privacy of nearby residences, provides adequate buffering between residential and nonresidential uses, and otherwise is in the best interests of the public health, safety and general welfare.

The proposed addition is in two areas. One is an extension of the north side of the house toward the west and is 13 feet 6 inches in height (prior to the change in the roof pitch) and extends 17 feet 6 inches into the yard toward Tunnel Lane. The other addition is within the center of the house and is 17 feet in height (prior to the change in the roof pitch) and extends 5 feet also toward Tunnel Lane. The addition is approximately 25 feet from the nearest residence to the north- 355 Willow Avenue. The project also includes a new roof which will result in the maximum height of the building increasing from approximately 12 feet to approximately 17 feet. The original relatively flat roof will be replaced with a hip roof. The proposed project meets the minimum setbacks, height, lot coverage and floor area ratio requirements.

As required by the Town, the applicant installed story poles which demonstrated the locations of the proposed additions and the proposed roof modifications. Staff visited the project site and the surrounding neighborhood several times both before and after the story poles were installed. Staff was also invited onto the property and in the residence directly adjacent to the north of the project site- 355 Willow Avenue to assess the project impact. Pictures from both properties are attached. Staff observed the site with the story poles in November and December, when the path of the sun is at its lowest and because of the height of the addition did not observe that the addition would cast shadows onto the yard or residence at 355 Willow Avenue.

Staff received two letters regarding the application, both from the resident of 355 Willow Avenue (Attachment 1). The first letter is from the owner of 355 Willow Avenue and the second letter is from Pacific Union Real Estate to the owner of 355 Willow Avenue. Staff has closely reviewed the letters and understands the issues raised. Staff also met with both the applicant and the owner of 355 Willow Avenue together and separately to try to reach a compromise.

It is acknowledged that the proposed addition to the northern portion of the house will have some impact on the adjacent property to the north however; the addition and roof modification is not excessive with a maximum height of 13' 6" (prior to the change in roof pitch) at its highest point. The northern section of the addition includes two windows which have sills heights of 4 feet 6 inches from grade and the tops of the two windows will be 8 feet 6 inches in height. To reduce the possible privacy impact to 355 Willow Avenue from these two new windows, staff has added a condition that the applicant, with the consent of 355 Willow Avenue as required by code, shall install a solid wood fence with a height of 8 feet from the eastern end of the addition to the western end of the addition. The applicant shall also revise the plans to show a 3½ and 12 roof pitch throughout the building to reduce the bulk of the project.

With the added conditions listed above, staff is able to make the finding that the addition will not significantly and adversely affect the views, sunlight, or privacy of nearby residences, including the residence to the north—355 Willow Avenue.

To assess the project's impact to the views currently enjoyed by 355 Willow Ave. to the south, staff visited the residence at the invitation of the owner and took photographs from the interior and the exterior (Attachment 3). It is difficult to get a true perspective of the project impacts through photographs, so staff strongly encourages the Commissioners visit the site. Staff has made arrangements for Commissioners to visit both properties.

ANALYSIS: Appeal by Owner of 355 Willow Avenue

On February 12, 2016, after receiving the February 5, 2016 approval letter, the adjacent property owner to the north (355 Willow Avenue) filed an application appealing the Town's approval of Design Review Application No. 15-019. In summary, the appeal is based on the grounds that the approval omitted multiple sections of the General Plan that focus on view preservation and that no metrics were used to evaluate the project. The appellant also states that the addition will not only eliminate her short and long term view from the living room bay windows - the focal point of the house and her single view - but does so by constructing a massive wall in the foreground that would drastically, negatively and forever, alter the relationship of her house and property to its natural surroundings. The appellant also states that the proposed addition at 359 Chapman Drive will have a significant negative impact on the value of her home and her quality of life and that the decision to approve the Design Review application needs to be made on the basis of facts, analysis and metrics.

The following is a summary of each of the justifications or arguments for the appeal presented by the appellant (the full text is included in Attachment 1) and an analysis or response from staff:

Appeal Justification #1.

Inclusion of Select Supporting Documents - The Town has chosen not to include key elements of Corte Madera's General Plan and Land Use Policies when referencing the General Plan and Policies to support its Approval of the proposed addition. It is not appropriate for the Town to pick and choose which parts of the General Plan it feels are to be used for project evaluation. This suggests bias.

Staff Response #1:

As required by the Corte Madera Municipal Code (CMMC) Section 18.30.070 in order to grant a Design Review Application, the Zoning Administrator/staff must make all of the required findings (Attachment 2). The first finding states that: *The project conforms with the General Plan, any applicable Specific Plan, and all provisions of the Zoning Ordinance.*

As stated in many residential Design Review Applications, staff demonstrated that the addition at 359 Chapman Drive is in conformance with General Plan Land Use Policies:

LU-2.4 - Ensure that new residential development and upgrades to existing residential development are compatible with existing neighborhood character and structures and

LU-2.5 - Encourage property owner reinvestment in upgrades to existing residences and related property improvements.

The approval letter further went on to say that "The proposed remodel and additions to the existing single-family residence at 359 Chapman Drive will be an improvement to the property. The proposed improvements are consistent with the General Plan because they will upgrade the existing facility and may encourage property owners to reinvest in existing and new residential projects.

It is correct that the GP acknowledges that views are an important consideration when considering residential development. . Many references to views in the GP are general in nature as in Chapter 1 Introduction – "Residents value the local environment including the open Bay front, salt marshes, woody hillsides, and expansive views." Many other references to views in the GP outline policies to be implemented in the creation of Design Guidelines for residential development - 5.3 RESIDENTIAL DESIGN GUIDING PRINCIPLES –".....The evaluation and analysis of new or expansion projects must balance the needs of the home owner with potential neighborhood impacts affecting views, sunlight, privacy and safety. This balance must be determined on a case-by-case basis...." And a more specific reference reference to views is listed in GP - POLICY LU-2.8 – "Views shall be considered when evaluating new residential development proposals, including additions to existing homes, consistent with Community Design Policies CD-1.4 (Activity Centers and CD-1.5 (Outdoor Lighting), View preservation shall be balanced with a property owner's right to develop."

As noted above, the GP is clear that a balancing test is necessary between view preservation and the right to develop one's property. In other words, decisions such as the one faced here, require a determination based on subjective judgement. There is no bright line or objective measure offered in the GP or elsewhere that defines when views take precedent over an owner's desired development plans allowed by code

When evaluating the impacts of the addition at 359 Chapman Drive to 355 Willow Avenue staff looked closely at the potential view impacts and in staff's view found that they were not significant enough to warrant denying the project especially with the compromises that were required with the two added conditions of approval.

Appeal Justification #2:

The addition proposed on Chapman not only eliminates my short and long term views from my living room bay windows – the focal point of the house and my single view – but does so by constructing a massive wall in the foreground that would drastically, negatively and forever, alter the relationship of my house and property to its natural surroundings.

Staff Response #2:

The addition will add a building wall approximately 8 feet high and 17 feet long with two windows. The added floor area adjacent to 355 Willow Avenue will be approximately 220 square feet. As stated earlier, the applicant did agree to lower the pitch of this section of the roof to a 3.5 and 12. The applicant has also indicated that he is flexible with the number and location of the windows on the north elevation.

Also see response to Justification #1

Appeal Justification #3:

None of the General Plan and Municipal Code policies focused on Views and View preservation including these below, were included in the Approval document

Staff Response #3

See response to Justification #1

Appeal Justification #4:

The addition does not conform with the Corte Madera Zoning Ordinance —

Staff Response #4

The proposed project is consistent with the following purposes listed in Section 18.08.010 - Residential Districts of the Corte Madera Zoning Ordinance which states that residential projects should "...reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with sound standards of public health and safety, and consistent with the general plan."

Appeal Justification #5:

There is nothing in the General Plan that says a homeowner may, or is encouraged, to upgrade or expand at the expense of other properties. There are however, multiple, repeated inclusions of the importance of views, preservation of views from neighboring residences and nature.

Staff Response #5

There are several sections of the Corte Madera GP that support the improvement, expansion and upgrading of residential properties in Town:

GUIDING PRINCIPLES- With Corte Madera's residential neighborhoods nearly built out, the focus in the coming years turns to improving the neighborhood character of these areas. Growing families add to ever increasing pressures to expand the size of existing homes and improve an aging housing stock. Proper design can enhance neighborhood character ... when existing homes are expanded or otherwise remodeled."

LAND USE - Require that new single-family, residential mixed-use, medium-density and high density residential development and upgrades to existing residential development are of high quality and in

accordance with the Housing Chapter, Resource Conservation and Sustainability Chapter, and Community Design Chapter of the General Plan, and with Town adopted Design Guidelines.

POLICY LU-2.5 Encourage property owner reinvestment in upgrades to existing residences and related property improvements.

Implementation Program LU-2.5.a: Support upgrades to existing residential structures when consistent with the General Plan and Zoning Ordinance, the Town development standards and the Design Guidelines.

POLICY LU-2.4 - Ensure that new residential development and upgrades to existing residential development are compatible with existing neighborhood character and structures.

POLICY LU-2.5 - Encourage property owner reinvestment in upgrades to existing residences and related property improvements.

Appeal Justification #6:

The determination, decision, or interpretation was in error or was an abuse of discretion for the following reason(s) - No Metrics or Analysis Used and/or Cited in Approval

However, a decision such as this one that could have a significant negative impact on the value of my home, my largest and most valuable financial investment, and my quality of life - needs to be made on the basis of facts, analysis, metrics.

Not one piece of this exists in the Approval document or evaluation by the Town. To support this project by identifying an impact but not quantifying it or presenting any evidence how it was determined, is baseless.

Staff Response #6

The approval was based on the required design review findings, specifically Finding #3 which states that *"The project will not significantly and adversely affect the views, sunlight, or privacy of nearby residences, provides adequate buffering between residential and nonresidential uses, and otherwise is in the best interests of the public health, safety and general welfare."* This finding is not based on specific metrics; it is a discretionary and subjective decision that was made by Planning Staff. Furthermore, the decision by the Planning Commission will also be discretionary.

Appeal Justification #7:

Recognizing that the Town seemed not to have the bandwidth or direction to do this, I found a real estate agent in Marin who has been successfully selling real estate for 30 years and as it happens is the president of the Lark Theatre – she knows the area and would be deemed 'highly credible' in this matter.

Real estate agent Tina McArthur was kind enough to come to my house and appraise the situation. I asked her to give me her opinion, recognizing she had likely seen a lot of proposed remodels.

Her view was that the proposed expansion was out of line with what she had encountered, was inappropriate and would significantly decrease the value of my home. This would include both the hard money value and, the value of my/my family and friends' enjoyment of the home and the property.

She offered to write a letter spelling this out, with her professional opinion.
I submitted Tina McArthur's letter along with a letter I wrote opposing the project from the early stages.

Staff Response #7

The letter from Ms. McArthur is attached (Attachment 1).

Appeal Justification #7:

Lack of Basis for Approval - The Town did not present any basis or evidence to demonstrate how it determined the impact to my property is "not significant".
Regarding blocking views, the Approval simply cites "**some impact**"

The northern addition may have some impact on the adjacent property to the north however; the addition and roof modification is not excessive with a maximum height of 17 feet.

There is no description for the term "some impact", it's clearly not a technical term used to describe adverse aesthetic impact. It is not a quantitative analysis and is without basis.

Staff Response #7

The maximum height of the residence in the R-1 Zoning District is 30 feet the proposed height of the addition is 17 feet, staff does not consider this a significant impact. Also see response #6.

Appeal Justification #8:

Town's Finding Does Not Reflect the General Consensus. Once the story poles were erected correctly, I asked 20+ people who had come to my home visiting and others who knew my home: family (including my Father who helped me with the down payment on the house), friends, neighbors, former tenants now living abroad, other real estate brokers and a work associate to give me their frank opinion. Some opinions came unsolicited by repairman, gardeners, the pest control company.

Without exception, every person I asked or that offered an opinion, expressed dismay that this project was even being considered and could possibly be approved.

A former tenant now living abroad, who paid a premium to rent my house because of the lovely views, sense of open space and privacy wrote me a note to say how much he valued the views/surroundings in my house and wanted to share this.

I attach his email with this.

Staff Response #8

The email is attached (Attachment 1).

Appeal Justification #9:

Non-conformance with General Plan – Incorrect Application and Incorrect Approval “And/Or”

In the Approval document - The Town cites it has made the finding because:

“This Project would not significantly **and** adversely affect the neighboring residence/s”.

Project Application document **Finding 3** includes the criteria:

“Explain how the project will not significantly **and** adversely affect the views, sunlight or privacy of nearby residences; will provide adequate buffering between residential and non-residential uses; and otherwise is in the best interest of the public health, safety and general welfare.”

Critically however - Neither the Project Application nor the Approval of the project are consistent with the General Plan that requires the finding for Approvals to show that:

“The Project would not significantly OR adversely affect the neighboring residence/s.”

The words “AND” and “OR” are distinct, have different meanings and cannot legally be construed to convey the same concept.

I believe as do many others that the project both significantly and adversely affects my property and investment but the relevant item is that the language in the General Plan is specific and is not correctly reflected in the application or the Approval.

Staff Response #9

See previous Staff Response #1 regarding conformance with the CMGP.

Appeal Justification #10:

The determination, decision, or interpretation was not supported by the record or facts presented in the following respect(s): The Applicant’s “Application for Development Review” dated July 9 2015, Inaccurate and Not Cured

The application submitted to the Town by the applicant on July 9 2015 contains major inaccuracies for the purpose of the applicant. I had spoken with the applicant and Town about this issue early in the process but no action was taken, they still stand in the application document signed by the applicant. It’s not appropriate to allow clearly inaccurate details to remain part of this process.

Finding 3 in the Application asks (as above): “Explain how the project will not significantly **and** adversely affect the views, sunlight or privacy of nearby residences; will provide adequate buffering between residential and non-residential uses; and otherwise is in the best interest of the public health, safety and general welfare.”

Applicant’s Response:

No affect on privacy of nearby neighbors – single story, No affect on sunlight – single story, pre-existing trees are taller than house.

Staff Response #10

The applicant’s application was determined to be complete by staff on July 29, 2015. After discussions with the appellant and the applicant additional information was provided in an attempt to reach a compromise

between the two parties.

Appeal Justification #11:

Every assertion is incorrect, not accurate and not valid.

X - While technically this is a single story proposed expansion, the applicant is also requesting to raise the roof height by 5 feet. This increases the mass and impacts sun in my home.

X - Privacy - The proposed project has two windows looking directly in to my main living area, my living room.

X - Sunlight – The plan as proposed would have increased the roof height by ~5 feet, to effectively eliminate any sun/glimpse of sky from my “den”.

X - Views-Trees - There are no trees that are taller than the proposed structure. Not off by an inch, not off by a foot but there are No Trees that are taller than the project. To cite a tree in the far distance as ‘taller than the project’ or a tree that will be removed, is irrelevant, misleading or worse.

Photos.

You will note a small recently planted sapling along the fenceline and a taller tree in the background that will be removed if the project proceeds – in total, that’s it.

As above, I have addressed these issues of inaccurate statements - with the applicant and the Town. Town staff have seen firsthand that these statements are inaccurate. However, they remain in the application. The Applicant and the Town are obligated to include accurate details of the project, or correct and address them. None of this has happened.

Staff Response #11

Mass - The roof is being raised but not to a level that significantly impacts natural light.

Privacy - The two new windows may impact privacy. Staff has added a condition that would require the applicant to install a 8 foot fence to mitigate privacy impacts. The applicant has stated the he would consider modifying the window if requested by the Commission.

Sunlight – The addition will increase the height of the roof, but not enough to significantly impact natural light per the approval letter. The Planning Commission will need to make the same findings as staff to deny the appeal or state that they are not able to make all of the findings to grant the appeal.

Views-Trees – Staff did not use the existence trees or the lack of tress as a factor in the approval of the Design Review Application.

Appeal Justification #12:

Previous Submission for Addition at 355 Willow denied. Previously, there was a submission for a second story addition over one section of 355 Willow, by the former owners. It would have included a window that looked into part of the backyard of 359 Chapman.

The former owner of 359 Chapman appealed saying that her enjoyment of her backyard and sense of

privacy when in the yard would be diminished by the window.- She prevailed on the basis that a window above a portion of her backyard was indeed a breach of privacy - and there was never an addition.

Staff Response #12

Comment noted. Previous applications filed at 355 Willow Avenue were not analyzed as part of the Design Review Application for 359 Chapman Drive.

Appeal Justification #13:

Real World Issues - What the Town/Town Planning has approved runs counter to: the General Plan and to the concept of home ownership/investment.

This approval condones development that would replace my single gorgeous view of hillside, ridgeline and trees that is the focal point of my home in my living room – and confers significant value to the home/property, with the side of a large wall. It's inconceivable to me and to others.

This project would allow the applicant to increase the value of his home but substantially decrease the value of mine. I bought this house with the clear understanding that my views would be protected by General Plan and its focus on the value of views. And with the understanding that protections would be upheld.

The homes in this area have been sited on the properties to take advantage of the feeling or privacy, open space and views. Part of the General Plan calls for order and harmony with surroundings. The currently sited homes were designed with this in mind, so that they each enjoy a view/views, a sense of the natural world and privacy. Allowing this project to proceed runs counter to the purpose and specifics for development contained in the General Plan.

Staff Response #13

See Staff Response #1 regarding compliance with the General Plan.

Appeal Justification #14:

Other:

I would note, although this is not part of the Appeal, that the applicant has a flat lot. There are multiple other options on the property to add to the square footage that would maintain a sense of harmony, sightlines and increase value.

In its Approval document, the Town cited just two minor conditions for approval.

1) Reduction of the proposed ~5 foot height increase to about ~ 3 feet.

- This is helpful and will allow me to see more sky but my main concern as communicated multiple times, is the addition toward the west.

2) Requires the applicant to build an 8 foot fence to block a portion of the proposed windows in the applicant's proposal. The solution to build a fence is not a helpful in any way. I am opposing both the privacy encroachment but substantially, the elimination of view from my living room to be replaced by an imposing wall. The suggestion/condition included in the Approval document only increases the problem.

"Plans submitted for building permit shall include a solid wood fence with a height of 8 feet from at least the eastern end of the addition to the western end of the addition. The applicant shall also include a letter of consent from the owner of 355 Willow Avenue approving the location and height of the fence. "

Staff Response #14

Staff understands that the fence condition will not solve the view issue but believes in will mitigation privacy impacts.

CONCLUSION AND RECOMMENDED COMMISSION ACTION:

Staff has responded to all of the issues raised by the appellant and recommends that the Planning Commissions hear testimony from the appellant, the applicant and the public and based on Section 18.34.070 of the CMMC

".... the planning commission shall consider the matter at a meeting on the prescribed date, and may affirm, reverse or modify the decision of the planning director or zoning administrator, whichever is appropriate..."

If the Commission chooses to deny the appeal, staff has attached a resolution formalizing the denial.

ATTACHMENTS:

1. Appeal Application and supplemental documentation from Jennifer Larson, 355 Willow Avenue
2. February 5, 2016, Design Review Application No. 15-019 Approval Letter
3. Photos
4. Resolution
5. Site Plan, Floor Plans and Elevations for Design Review Application No. 15-019

O:\Planning Department_02 PLANNING APPLICATIONS AND PROPERTY FILES\P-T\SUMMIT DRIVE\136 Summit Drive\Summit 136 PC report.doc

ATTACHMENT 1

RECEIVED

FEB 12 2016

TOWN OF CORTE MADERA

PLANNING AND BUILDING DEPARTMENT
300 TAMALPAIS DRIVE
CORTE MADERA, CA 94925



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

Application for APPEAL

For Staff Use	
Date:	2/12/16
Rec. by:	F.P.
Fee:	\$300.00
App. #:	12-2016

Name: JENNIFER LARSON Daytime Phone: 415 725 2017
 Mailing Address: 355 WILLOW AVE CORTE MADERA CA 94925

I hereby appeal the decision made on FEB 5 2016 (date) by the

- Planning Director Zoning Administrator Planning Commission

in the matter of: DESIGN REVIEW APPROVAL BY ZONING ADMINISTRATOR
ACTION RE: ADDITION AT 359 CHAPMAN

I request the Planning Commission Town Council to:

- Approve the application
 Deny the application
 Amend the Conditions of Approval
 Other (explain) _____

The Corte Madera Municipal Code requires appellants to state the **specific reason(s)** upon which the appeal is based, including but not limited to: Please see attachment for descriptions of each

- The determination, decision, or interpretation was not consistent with the Municipal Code in the following respect(s): The approval omits multiple sections of the General Plan that focus on new presentation, only selective inclusions
- The determination, decision, or interpretation was in error or was an abuse of discretion for the following reason(s): no metrics used to evaluate project, no basis for approval, determination not in line w general consensus, wrong km
- The determination, decision, or interpretation was not supported by the record or facts presented in the following respect(s): Applicant's "Application for Development Review" is inaccurate and not correct every assertion is inaccurate, false. Issues
- Other: see attached

An explanation of the specific reasons for this appeal is attached.

I hereby certify that the information given is true and correct to the best of my knowledge and belief.

Signature: Jennifer Larson Date: Feb 12 2016

Planning Department Appeal

<http://www.townofcortemadera.org/documentcenter/view/756>

Name: Jennifer Larson

Daytime Phone: 415 725 2017

Mailing Address (please use email and post - if only 1 option, EMAIL)
355 Willow Ave, Corte Madera, CA 94925

EMAIL: jl Larson@labfive.com

I hereby appeal the decision made on **Feb 5 2016** by the Zoning Administrator in the matter of: **Approval for 359 ChapmanDr/(Tunnel Lane) Addition**

I request the Planning Commission to: **Deny the application**

+ The Corte Madera Municipal Code requires appellants to state the specific reason(s) upon which the appeal is based, including but not limited to: The determination, decision, or interpretation was not consistent with the Municipal Code in the following respect(s):

1. Inclusion of Select Supporting Documents

The Town has chosen **not to include** key elements of Corte Madera's General Plan and Land Use Policies when referencing the General Plan and Policies to support its Approval of the proposed addition.

It is not appropriate for the Town to pick and choose which parts of the General Plan it feels are to be used for project evaluation. This suggests bias.

EXAMPLE

The Approval Letter includes the following wording and justification but does not include sections that focus on the importance of views or nature.

Per Approval document:

"The project conforms with the General Plan, any applicable Specific Plan, and all provisions of the Zoning Ordinance. "

- Conformance with General Plan Land Use Policies

LU-2.4 - Ensure that new residential development and upgrades to existing residential development are compatible with existing neighborhood character and structures and LU-2.5 - Encourage property owner reinvestment in upgrades to existing residences and related property improvements.

The proposal remodel and additions to the existing single-family residence at 359 Chapman Drive will be an improvement to the property. The proposed improvements are consistent with the General Plan because they will upgrade the existing facility and may encourage property owners to reinvest in existing and new residential projects."

Appeal Response:

- **The Approval omits any reference to the many sections of the General Plan and Policies that cite View Preservation as a key criteria when evaluating any project.**

- Many sections in the General Plan and Municipal Code include full paragraphs (incl. but not limited to: General Plan - Community Design 5.0 and Design Standard 2.5, Landscaping 2.6 and Municipal Code 18.30.020) on the importance of views, describing short and longer range views, views of hillsides and ridgelines and even go so far as to restrict landscaping that would negatively impact a neighbor's view. Other sections also define the importance of views.

The addition proposed on Chapman not only eliminates my short and long term views from my living room bay windows – the focal point of the house and my single view – but does so by constructing a massive wall in the foreground that would drastically, negatively and forever, alter the relationship of my house and property to its natural surroundings.

None of the General Plan and Municipal Code policies focused on Views and View preservation including these below, were included in the Approval document.

General Plan – <http://www.ci.corte-madera.ca.us/DocumentCenter/View/272>

5.0 Community Design/View Preservation

“Corte Madera has some of the most beautiful and captivating views of any Bay Area community. With a backdrop of Mount Tamalpais to the west, with San Francisco Bay in the foreground to the east, and with its rolling hills and natural ecological systems at various points in-between, view preservation is a very important community amenity.

Views from residential properties add to property values and enhance quality of life. At the same time, such view sheds can also create conflict for owners seeking to develop their properties, remodel or construct additions to their homes when construction may impact views from nearby properties. This issue will be regulated with standards that allow for a reasonable amount of development while minimizing significant negative impacts to neighbor's views. View issues tend to be linked to potential impacts on neighbor's expectation of privacy and access to sunlight. These issues must be balanced and evaluated on a case-by-case basis when reviewing a development project.”

Community Design Standards

Implementation Program CD-2.5.a: View Definitions

“The Town's Design Guidelines and the design review process shall emphasize the need to balance the value of long-range and short-range views based on the specific conditions of the property proposed for development. For the purposes of considering views, the Town shall be guided by the following:

Community Design Standards

Implementation Program CD-2.5.a: View Definitions

A “view” is a scene from a residence and/or its active use area (such as a yard or deck), and includes both upslope and downslope scenes.

Views can be categorized as either short-range or long-range. Short range views are those predominantly limited to the particular neighborhood of the project. This can include a nearby view toward a park or include view corridors of substantially open spaces. Conversely, long-range views encompass broader and significant viewsheds of sites further away, such as views towards Mount Tamalpais and substantially open ridgelines or hillsides, and views toward San Francisco Bay, bridges and distant cities.”

Landscaping (included to highlight focus on Views in General Plan)

POLICY CD-2.6

“Consider the impacts to long-range views created by proposed or existing landscaping on and adjoining a project site.”

Implementation Program CD-2.6.a: Landscaping Code Provisions

“Include provisions in the Design Guidelines to ensure consistency with this policy approach. In general, existing landscaping that matures and results in partial loss of views is considered acceptable, **while new site landscaping associated with a development project shall ensure protection of off-site views.**”

Corte Madera Municipal Code - Views

https://www.municode.com/library/ca/corte_madera/codes/code_of_ordinances?nodeId=TIT18ZO_CH18.30DERE_18.30.010PU

18.30.020 - Scope of Design Review.

“Where design review is prescribed for a use or structure by the district regulations, review and approval shall be directed to the following considerations:

- (1) The proposed location of the structure on its site in relation to the location of buildings on adjoining sites, with particular attention to view considerations, privacy, and topographic or other constraints on development imposed by particular site conditions;

and

- (6) “Details of design required to achieve the purpose of this title;
Design review of single-family homes shall emphasize those aspects of the design that affect surrounding residents or the visual character of the town.”

Note – There is nothing in the General Plan that says a homeowner may, or is encouraged, to upgrade or expand at the expense of other properties. There are however, multiple, repeated inclusions of the importance of views, preservation of views from neighboring residences and nature.

+ The determination, decision, or interpretation was in error or was an abuse of discretion for the following reason(s):

1) No Metrics or Analysis Used and/or Cited in Approval

I understand that the Planning staff has a lot of work and may be overburdened.

However, a decision such as this one that would have a significant negative impact on the value of my home, my largest and most valuable financial investment, and my quality of life - needs to be made on the basis of facts, analysis, metrics.

Not one piece of this exists in the Approval document or evaluation by the Town. To support this project by identifying an impact but not quantifying it or presenting any evidence how it was determined, is baseless.

Recognizing that the Town seemed not to have the bandwidth or direction to do this, I found a real estate agent in Marin who has been successfully selling real estate for 30 years and as it happens is the president of the Lark Theatre – she knows the area and would be deemed ‘highly credible’ in this matter.

Real estate agent Tina McArthur was kind enough to come to my house and appraise the situation. I asked her to give me her opinion, recognizing she had likely seen a lot of proposed remodels.

Her view was that the proposed expansion was out of line with what she had encountered, was inappropriate and would significantly decrease the value of my home. This would include both the hard money value and, the value of my/my family and friends’ enjoyment of the home and the property.

She offered to write a letter spelling this out, with her professional opinion. I submitted Tina McArthur’s letter along with a letter I wrote opposing the project from the early stages.

EXAMPLE – Lack of Basis for Approval Presented by Town

- The Town did not present any basis or evidence to demonstrate how it determined the impact to my property is “not significant”.

- Regarding blocking views, the Approval simply cites “**some impact**”

The northern addition may have some impact on the adjacent property to the north however; the addition and roof modification is not excessive with a maximum height of 17 feet.

There is no description for the term “some impact’, it’s clearly not a technical term used to describe adverse aesthetic impact. It is not a quantitative analysis and is without basis.

2) Town's Finding Does Not Reflect the General Consensus

Once the story poles were erected correctly, I asked 20+ people who had come to my home visiting and others who knew my home: family (including my Father who helped me with the down payment on the house), friends, neighbors, former tenants now living abroad, other real estate brokers and a work associate to give me their frank opinion. Some opinions came unsolicited by repairman, gardeners, the pest control company.

Without exception, every person I asked or that offered an opinion, expressed dismay that this project was:

- a) even being considered and b) could possibly be approved.

A former tenant now living abroad, who paid a premium to rent my house because of the lovely views, sense of open space and privacy wrote me a note to say how much he valued the views/surroundings in my house and wanted to share this. I attach his email with this.

3) Non-conformance with General Plan – Incorrect Application and Incorrect Approval “And/Or”

In the Approval document - The Town cites it has made the finding because: “This Project would not significantly **and** adversely affect the neighboring residence/s”.

Project Application document **Finding 3** includes the criteria:

“Explain how the project will not significantly **and** adversely affect the views, sunlight or privacy of nearby residences; will provide adequate buffering between residential and non-residential uses; and otherwise is in the best interest of the public health, safety and general welfare.”

Critically however - Neither the Project Application nor the Approval of the project are consistent with the General Plan that requires the finding for Approvals to show that:

"The Project would not significantly OR adversely affect the neighboring residence/s."

The words “AND” and “OR” are distinct, have different meanings and cannot legally be construed to convey the same concept.

I believe as do many others that the project both significantly and adversely affects my property and investment but the relevant item is that the language in the General Plan is specific and is not correctly reflected in the application or the Approval.

+ **The determination, decision, or interpretation was not supported by the record or facts presented in the following respect(s):**

1) The Applicant's "Application for Development Review" dated July 9 2015, Inaccurate and Not Cured

The application submitted to the Town by the applicant on July 9 2015 contains major inaccuracies for the purpose of the applicant. I had spoken with the applicant and Town about this issue early in the process but no action was taken, they still stand in the application document signed by the applicant. It's not appropriate to allow clearly inaccurate details to remain part of this process.

Finding 3 in the Application asks (as above): "Explain how the project will not significantly and adversely affect the views, sunlight or privacy of nearby residences; will provide adequate buffering between residential and non-residential uses; and otherwise is in the best interest of the public health, safety and general welfare."

Applicant's Response:

No affect on privacy of nearby neighbors – single story, No affect on sunlight – single story, pre-existing trees are taller than house.

Every assertion is incorrect, not accurate and not valid.

X - While technically this is a single story proposed expansion, the applicant is also requesting to raise the roof height by 5 feet. This increases the mass and impacts sun in my home.

X - **Privacy** - The proposed project has two windows looking directly in to my main living area, my living room.

X - **Sunlight** – The plan as proposed would have increased the roof height by ~5 feet, to effectively eliminate any sun/glimpse of sky from my "den".

X - **Views-Trees** - There are no trees that are taller than the proposed structure. Not off by an inch, not off by a foot but there are **No** Trees that are taller than the project. To cite a tree in the far distance as 'taller than the project' or a tree that will be removed, is irrelevant, misleading or worse.

Photos.

You will note a small recently planted sapling along the fenceline and a taller tree in the background that will be removed if the project proceeds – in total, that's it.

As above, I have addressed these issues of inaccurate statements - with the applicant and the Town. Town staff have seen firsthand that these statements are inaccurate. However, they remain in the application. The Applicant and the Town are obligated to include accurate details of the project, or correct and address them. None of this has happened.

2) Previous Submission for Addition at 355 Willow denied.

Previously, there was a submission for a second story addition over one section of 355 Willow, by the former owners. It would have included a window that looked into part of the backyard of abutting 359 Chapman.

The former owner of 359 Chapman appealed saying that her enjoyment of her backyard and sense of privacy when in the yard would be diminished by the window.- She prevailed on the basis that a window above a portion of her backyard was indeed a breach of privacy - and there was never an addition.

3) Real World Issues

What the Town/Town Planning has approved runs counter to: the General Plan and to the concept of home ownership/investment.

This approval condones development that would replace my single gorgeous view of hillside, ridgeline and trees that is the focal point of my home in my living room – and confers significant value to the home/property, with the side of a large wall. It's inconceivable to me and to others.

This project would allow the applicant to increase the value of his home but substantially decrease the value of mine.

I bought this house with the clear understanding that my views would be protected by General Plan and its focus on the value of views. And with the understanding that protections would be upheld.

The homes in this area have been sited on the properties to take advantage of the feeling or privacy, open space and views. Part of the General Plan calls for order and harmony with surroundings. The currently sited homes were designed with this in mind, so that they each enjoy a view/views, a sense of the natural world and privacy. Allowing this project to proceed runs counter to the purpose and specifics for development contained in the General Plan.

Other:

I would note, although this is not part of the Appeal, that the applicant has a flat lot. There are multiple other options on the property to add to the square footage that would maintain a sense of harmony, sightlines and increase value.

In its Approval document, the Town cited just two minor conditions for approval.

- 1) Reduction of the proposed ~5 foot height increase to about ~ 3 feet.
 - This is helpful and will allow me to see more sky but my main concern as communicated multiple times, is the addition toward the west.

- 2) Requires the applicant to...build an 8 foot fence to block a portion of the proposed windows in the applicant's proposal.
 - The solution to build a fence is not a helpful in any way.
 - I am opposing both the privacy encroachment but substantially, the elimination of view from my living room to be replaced by an imposing wall.
 - The suggestion/condition included in the Approval document only increases the problem.

"Plans submitted for building permit shall include a solid wood fence with a height of 8 feet from at least the eastern end of the addition to the western end of the addition. The applicant shall also include a letter of consent from the owner of 355 Willow Avenue approving the location and height of the fence. "

An explanation of the specific reasons for this appeal is attached.
I hereby certify that the information given is true and correct to the best of my knowledge and belief.

Signature: Jennifer Larson

Date: Feb 12 2016

For Staff Use Date: _____

Rec. by: _____ Fee: _____ App. #: _____

EMAIL FROM FORMER TENANT

From: Geraud Benoit <geraudwbenoit@live.com>

Date: Mon, 30 Nov 2015 12:14:05 +0000

To: jlarson@labfive.com<jlarson@labfive.com>

Subject: Corte Madera

Hi Jennifer

How are things going? Hope everything is fine with you.

Marie and I were browsing through some old pictures the other day with the kids and realized how lucky we had been to find and rent your place.

We have so many happy memories in the house from Romane's birthdays in the courtyard to Ambre's fish tank with the ongoing refilling both girls were so excited about to the Halloween neighborhood parties.

Being able to see the nature and feel like we were in the countryside was so important for our family. It was important so we could be away from feeling of being surrounded by houses and we appreciated the scenery. It was such a pleasure to have so much light from the dining room down to the living room was absolutely exquisite, by contrast the following house we rented seems almost sad. I hope you are taking good care of the house and the garden. The back garden was always difficult to attend to because of the sun issue but i hope it developed nicely. If you have the time please send us a picture or two to see how it developed.

Anyway, it was such a nice trip down memory lane that i thought i would say hellpo again.

All the best
Geraud & Marie

490 Magnolia Avenue, Larkspur, CA 94939
O 415.945.6300 F 415.945.6339 pacifcunion.com



Jennifer Larson
355 Willow
Corte Madera, CA 94925

December 3, 2015

Dear Jennifer:

Your home is lovely, and it has always been a favorite of mine. The setting, floorplan and outdoor areas are magical. It is a special place indeed. However, in looking at the potential addition at 359 Chapman, it is my professional opinion that it will significantly reduce the value of your property. What is now a private and serene sanctuary with views towards the ridge, will become less private and actually intrusive. The outlook from your living room and from one of the bedrooms will be seriously hampered, and the light will definitely be affected in a negative way.

It is my feeling that future potential buyers of your home (should you ever decide to sell) will envision the space outside your living room as the main garden and entertaining area and would likely be turned off. Instead of looking out to the long views of greenery and the hillside, they would be looking directly at a structure.

In terms of affecting value, I believe that an addition next door, where the story poles are situated, could seriously translate into a substantial value loss to you because your home prides itself on the surrounding long views, greenery, outdoor space and privacy.

Please let me know if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Tina McArthur".

Tina McArthur, Luxury Property Specialist

Pacific Union

490 Magnolia Ave.

Larkspur, CA 94939

Jennifer Larson
355 Willow Ave
Corte Madera, CA 94925
415 725 2017
jl Larson@labfive.com

Nov 17, 2015

To: Phil Boyle, Sr. Planner, Corte Madera Planning Department
300 Tamalpais Drive
Corte Madera, CA 94925

Dear Phil,

Thanks for your time and input on this. Per your suggestion I'm writing to oppose the home expansion project at 359 Chapman/Tunnel Lane as currently depicted by the story poles.

Living Room/Yard View - House Purchase

The story poles indicate that the proposed project would consist of an expanded area in one of the bedrooms - the wall siding of which would obliterate my single long view from my house - in my living room. This is the focal point of my house that confers maximum personal enjoyment and market value. The upslope hillside and ridgeline view is beautiful - it offers enjoyment from the living room and from the back yard area and by design, offers a sense of open space. The view allows the option for a patio to be built with doors leading from the living room. If, when looking at my house to purchase, I had seen that this view was blocked by the side of a wall, I would never have considered purchasing the house.

Before buying the house, I looked into the documents going back 20+ years that would give an understanding of the area, design issues, siting, privacy, the maintenance of views, variances etc. and they all cited the focus on preserving views. Additionally, there was a relevant issue previously between the 2 lots - that suggested a formal, clear alignment with the Design Review Guidelines.

Other Options

It's not right, fair or within what looks to be the scope of any of the Town documents to consider a scenario that would enhance the value of the adjacent house while negatively affecting the value of mine.

I would be open and amenable to options that would allow the neighbor to add square footage, but that would not involve blocking my view and limiting my future option to add patio space to take advantage of the really pretty aspect of the home.

What Chamhout is currently proposing also adds height to the house. This added height would eliminate roughly 80% of the sunlight and piece of sky view from my den. Here also there are options for Chamhout to expand the home that don't involve eliminating most of the sunlight from my den. Adding the proposed height to the roof, darkens my back room considerably.

I am amenable to many options, but not those that negatively impact the value of my home.

Compliance

I have consulted with a land use attorney who notes that the proposed story poles are in stark contrast to the words and spirit of the governing documents of Corte Madera: the General Plan, Zoning Ordinance and the Municipal Code. As noted, I had looked at a good portion of these documents before also and it noted that land use decisions were to be made that allowed for views to be maintained (General Plan, Section 5.0, etc.). There are multiple instances in the documents where View Preservation is highlighted as a central focus in issues related to new construction.

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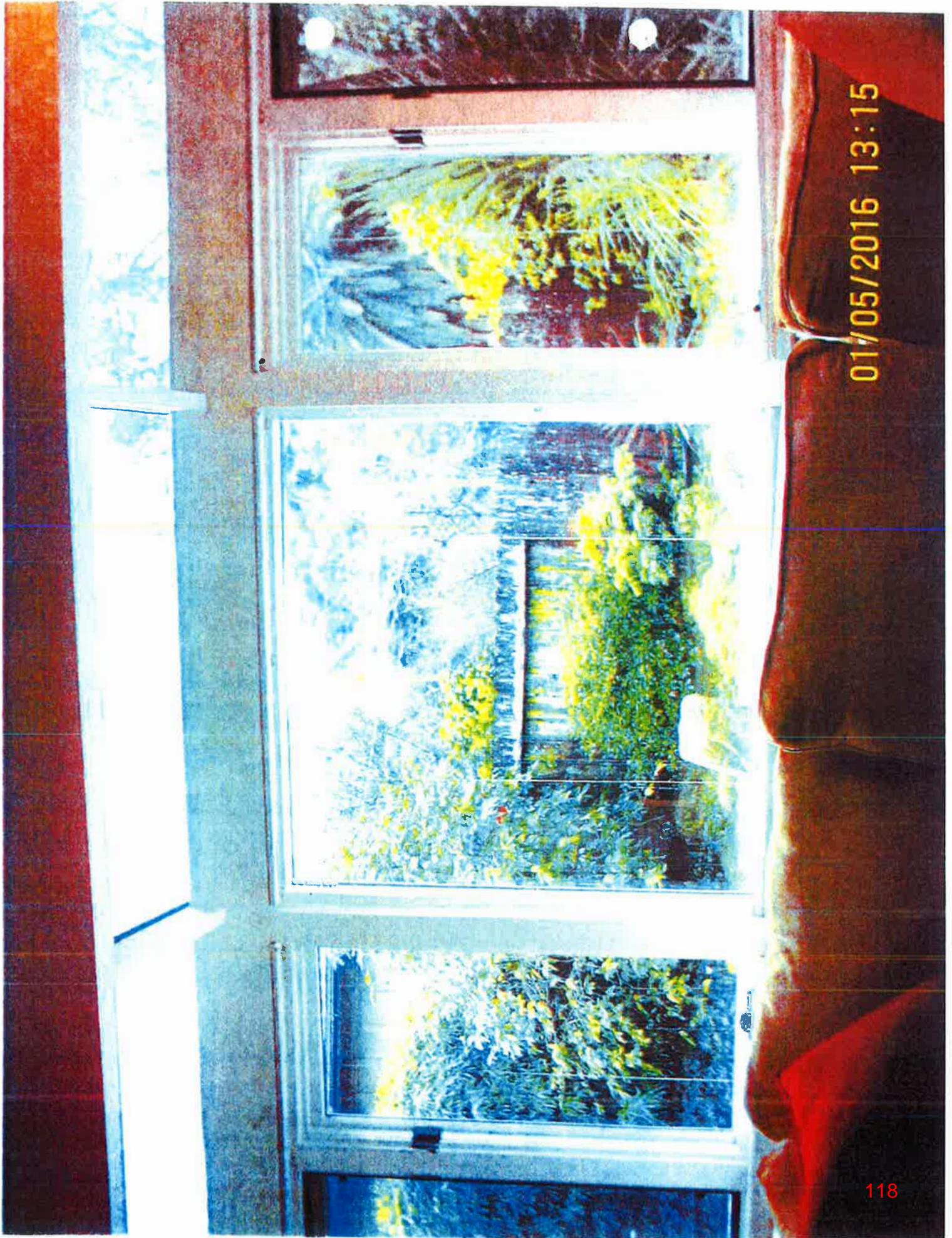
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Alternatives

I am happy to discuss any proposed alternatives that would allow Chamhout to add square footage but that do not negatively impact my enjoyment of my home and property nor reduce its market value.

Kind regards
Jennifer Larson



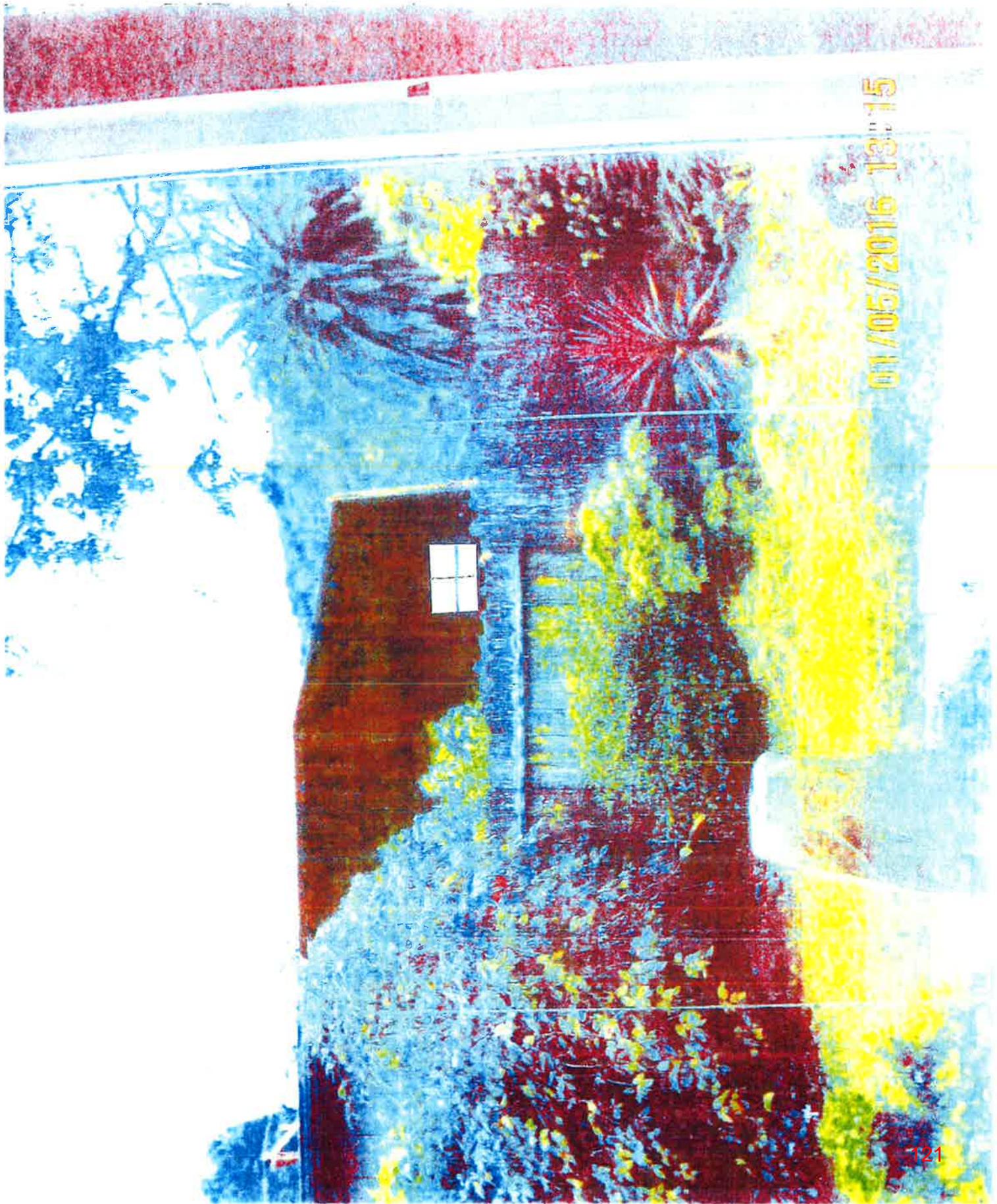


01/05/2016 13:15



01/05/2016 13:15





01/05/2016 13:15



of the planning commission should be reviewed by the town council. No other possible grounds or reasons for the review shall be stated. No fee shall be required in connection with the filing of the notice of review.

(f) If an individual town councilmember calls up for planning commission review a decision of the planning director, pursuant to Section 18.34.010 of this section, or a decision of the zoning administrator, pursuant to Section 18.34.020 of this section, the notice of review shall state whether the planning commission's decision shall automatically proceed to the town council for review after review by the planning commission.

(g) Once an appeal or a "call up for review" has been timely made, pursuant to the provisions of this title, withdrawal of the appeal or the "call up for review" by the appellant or person effecting the "call up for review" shall not divest the town council of jurisdiction to consider and act upon the appeal or the "call up for review" as though no withdrawal had taken place, if the town council determines that the public interest would be best served to hear the matter. (Ord. 813 § 4, 1997; Ord. 785 § 3(b) (part), 1994)

18.34.060 Action of planning director and setting hearings.

(a) Following the filing of an appeal or notice of review permitted under this title, the planning director shall schedule the appeal or review for the next available meeting of the planning commission or town council, whichever is appropriate, provided, however, that said "next available meeting" shall be that meeting which next follows the passage of time, notice of which is required to be given under state and/or town law. The planning director shall transmit to the planning commission or town council a copy of the appeal or review, and copies of all applicable maps and documents, including minutes of public hearings, statements of findings, and of decisions made and of reports which may have been prepared by the planning director, zoning administrator and/or planning commission, setting forth their views of the facts and circumstances of the case.

(b) The planning director shall give notice to the applicant and to the appellant, if the applicant is not the appellant, to the person filing the notice of review, and may give notice to other interested parties, of the time when the appeal or review will be considered by the planning commission or town council. (Ord. 785 § 3(b) (part), 1994)

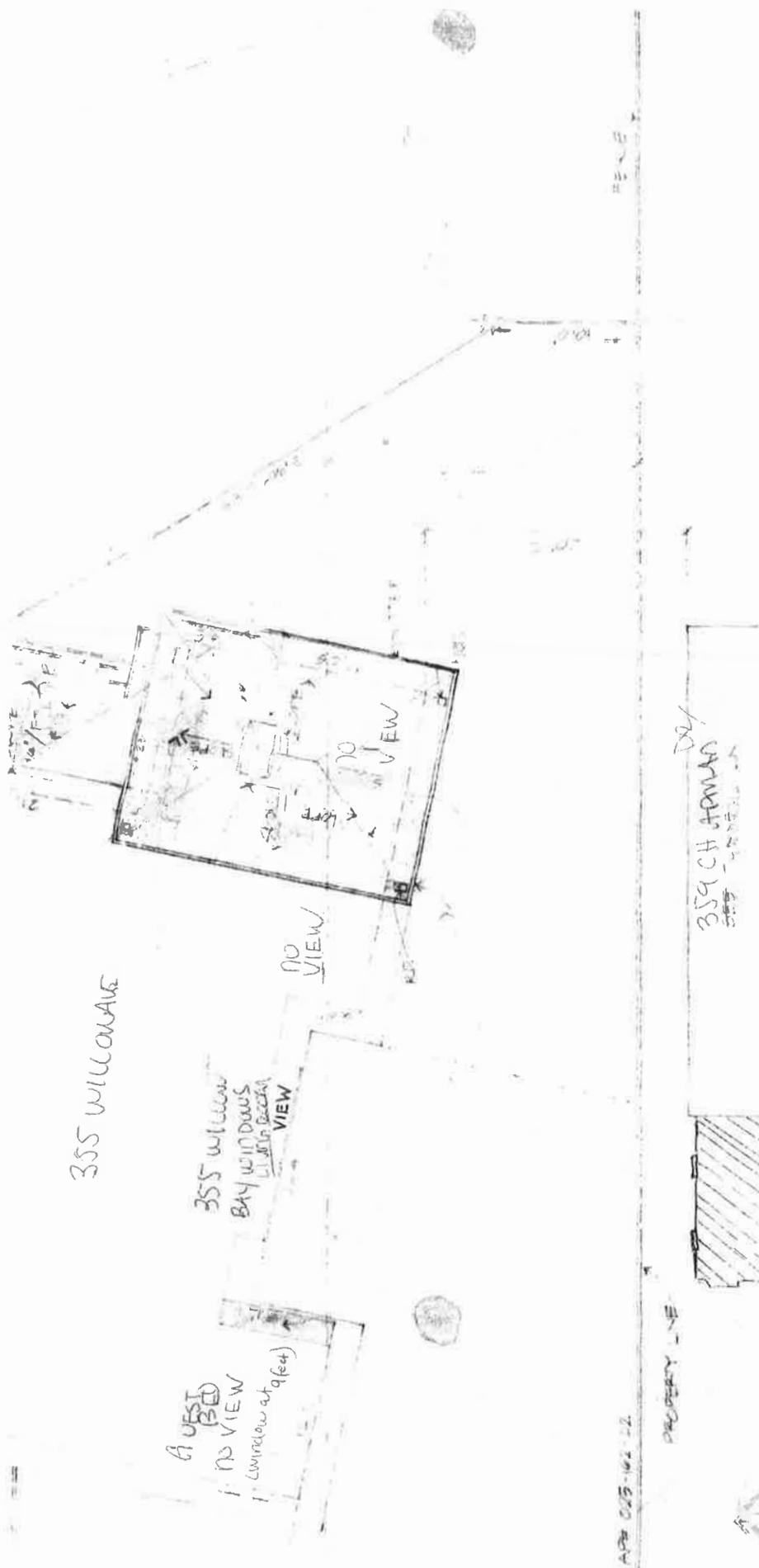
18.34.070 Planning commission action.

On an appeal from, or review of, an administrative decision or interpretation made by the zoning administrator, or on an appeal from, or review of, a decision of the

zoning administrator, the planning commission shall consider the matter at a meeting on the prescribed date, and may affirm, reverse or modify the decision of the planning director or zoning administrator, whichever is appropriate; provided, that if a decision denying a variance, design review or sign is modified, the planning commission, on the basis of the record submitted by the planning director and such additional evidence as may have been submitted or presented at the hearing, shall make the findings prerequisite to: (a) the granting of a variance prescribed in Chapter 18.28, Variances; or (b) design review, site plan or sign approval prescribed in Chapter 18.30, Design Review. If a member of the planning commission has called up a decision to be reviewed, that member shall have full participation rights in the hearing, unless actual bias or prejudice is otherwise shown. (Ord. 813 § 5, 1997; Ord. 785 § 3(b) (part), 1994)

18.34.080 Town council action.

On an appeal from a decision of the planning commission, or when the decision has been called up for review, the town council shall hold a public hearing on the matter on the prescribed date. The town council may affirm, reverse or modify the decision of the planning commission; provided, that if a decision denying a use permit, variance, design review, sign or preliminary development plan is reversed, or a decision granting a use permit, variance, design review, sign or preliminary development plan is modified, the town council, on the basis of the record transmitted by the planning director and such additional evidence as may have been submitted or addressed at the hearing before the council, shall make the findings prerequisite to the granting of: (1) a use permit prescribed in Chapter 18.26 of this title, Conditional Uses; (2) a variance prescribed in Chapter 18.28 of this title, Variances; (3) design review or sign approval prescribed in Chapter 18.30 of this title, Design Review; or (4) preliminary development plan prescribed in Chapter 18.18 of this title, Special Purpose Overlay Districts. The town council may remand the matter to the planning commission for its determination of appropriate conditions or the town council may make its own determination of appropriate conditions. If a member of the town council has called up a decision to be reviewed, that member shall have full participation rights in the hearing, unless actual bias or prejudice is otherwise shown. (Ord. 860 § 1, 2001; Ord. 813 § 5, 1997; Ord. 785 § 3(b) (part), 1994)



355 WILLOW AVE

GUEST BED
NO VIEW
(window at 9ft)

355 WILLOW
BAY WINDOWS
NO VIEW

NO VIEW

NO VIEW

APR 025-162-12

PROPERTY LINE

359 CH ADAM

PROPOSED
ADDITION

STEP PLAN

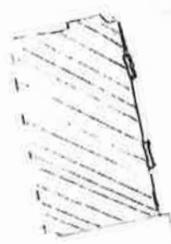
1/8"=1'-0"

REVISIONS
LIMITED WORK

STEP LN



ROOFED ON

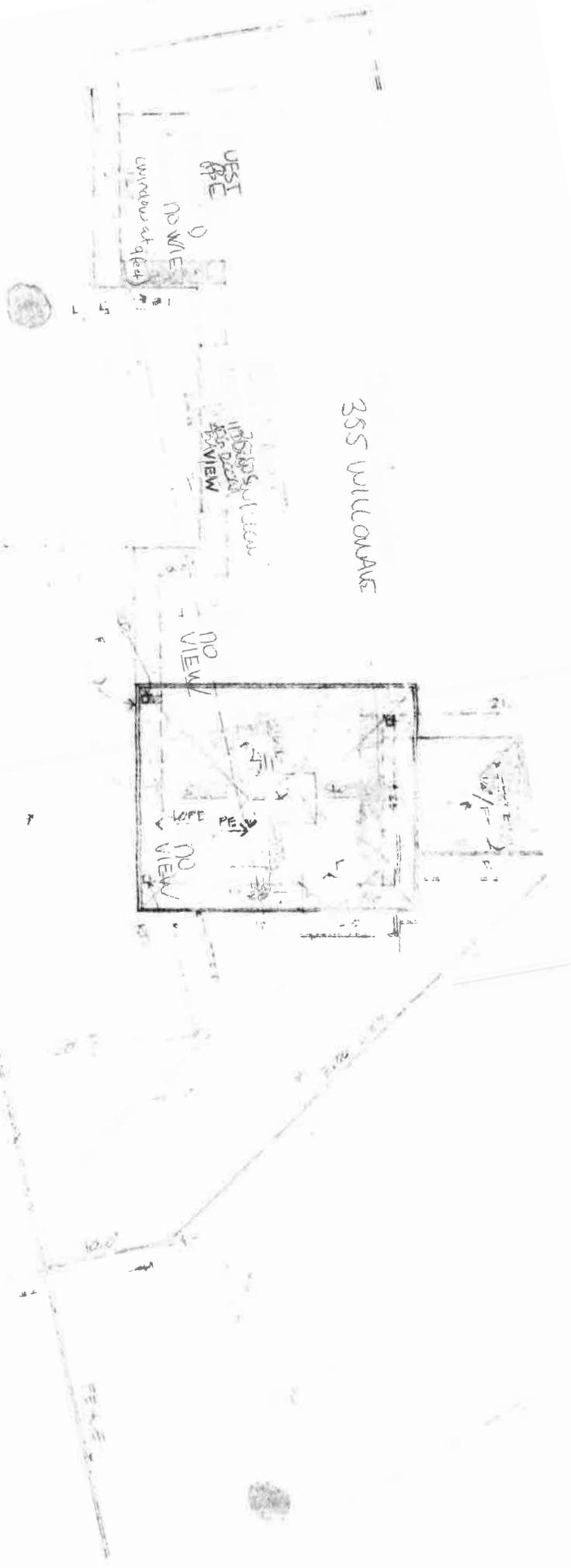


PROPERTY LINE

359 CHATHAM ST

1/8" = 1'-0"

PLANS
M.A.
MAY 2008



355 WILLOW AVE



TOWN OF CORTE MADERA
Permit Receipt
RECEIPT NUMBER 0000071

Account Number: 000086

Date: 2/18/2016

Applicant: JENNIFER LARSON

Type: charge # 5465

Notes: Payment for appeal of staff level design review approval at 359 Chapman Drive

<u>Permit Number</u>	<u>Fee Description</u>	<u>Amount</u>
PL-2016-0011 <i>→ AP</i>	Appeal	300.00
	Total:	\$300.00

ATTACHMENT 2



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

DESIGN REVIEW
APPROVAL
by ZONING ADMINISTRATOR'S ACTION

359 Chapman Dr.

February 5, 2016

On February 5, 2016, the Zoning Administrator approved Design Review Application No. 15-019 – A request for a 465 square foot single story addition and remodel of the existing house at 359 Chapman Drive.

Please read all the information herein and familiarize yourself with the conditions below, many are time sensitive. Please sign and return the **Owner and Contractor Statement** when filing for a Building Permit for this project.

DESIGN REVIEW REQUIRED FINDINGS

In order to grant a Design Review, the Zoning Administrator must make the following findings required by Section 18.30.070 of the Corte Madera Municipal Code:

- 1. The project conforms with the General Plan, any applicable Specific Plan, and all provisions of the Zoning Ordinance.**

Conformance with General Plan Land Use Policies

- *LU-2.4 - Ensure that new residential development and upgrades to existing residential development are compatible with existing neighborhood character and structures and LU-2.5 - Encourage property owner reinvestment in upgrades to existing residences and related property improvements.*
- The proposal remodel and additions to the existing single-family residence at 359 Chapman Drive will be an improvement to the property. The proposed improvements are consistent with the General Plan because they will upgrade the existing facility and may encourage property owners to reinvest in existing and new residential projects.

Conformance with the Zoning Ordinance—

- The proposed project is consistent with the following purposes listed in Section 18.08.010 of the Corte Madera Zoning Ordinance:
 - To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with sound standards of public

health and safety, and consistent with the general plan;

Conformance with any applicable Specific Plan

- The project site is not located within an established Specific Plan area.
2. **The project will not unnecessarily remove trees and natural vegetation, will preserve natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural beauty of the Town.**

The proposed project does not include the removal of any trees. The project will not affect any landforms, ridgelines, or result in any grading of hillsides. The project will not otherwise adversely affect the natural beauty of the Town. The intent of the project is to improve that function and aesthetics of the property.

3. **The project will not significantly and adversely affect the views, sunlight, or privacy of nearby residences, provides adequate buffering between residential and nonresidential uses, and otherwise is in the best interests of the public health, safety and general welfare.**

The proposed addition is in two areas. One is an extension of the north side of the house toward the west and is 13 feet 6 inches in height and extends 17 feet 6 inches into the yard toward Tunnel Lane. The other addition is within the center of the house and is 17 feet in height and extends 5 feet also toward Tunnel Lane. The addition is approximately 25 feet from the nearest residence to the north- 355 Willow Avenue. The project also includes a new roof which will result in the maximum height of the building increasing from approximately 12 feet to approximately 17 feet. The original relatively flat roof will be replaced with a hip roof. The proposed project meets the minimum setbacks, height, lot coverage and floor area ratio requirements.

As required by the Town, the applicant installed story poles which demonstrated the locations of the proposed additions and the proposed roof modifications. Staff visited the project site and the surrounding neighborhood several times both before and after the story poles were installed. Staff was also invited onto the property and in the residence directly adjacent to the north of the project site- 355 Willow Avenue to assess the project impact. Pictures from both properties are attached. Staff observed the site with the story poles in November and December, when the path of the sun is at its lowest and because of the height of the addition did not observe that the addition would cast shadows onto the yard or residence at 355 Willow Avenue.

Staff received two letters regarding the application, both from the resident of 355 Willow Avenue (Attachment 1). The first letter is from the owner of 355 Willow Avenue and the second letter is from Pacific Union to the owner of 355 Willow Avenue. Staff has closely reviewed the letters and understands the issues raised. Staff also met with both the applicant and the owner of 355 Willow Avenue together and separately to try to reach a compromise

The northern addition may have some impact on the adjacent property to the north however; the addition and roof modification is not excessive with a maximum height of 17 feet. The

northern section of the addition includes two windows which have sills heights of 4 feet 6 inches from grade and the tops of the two windows will be 8 feet 6 inches in height. To reduce the possible privacy impact to 355 Willow Avenue from these two new windows, staff has added a condition that the applicant, with the consent of 355 Willow Avenue as required by code, shall install a solid wood fence with a height of 8 feet from the eastern end of the addition to the western end of the addition. The applicant shall also revise the plans to show a 3½ and 12 roof pitch throughout the building to reduce the bulk of the project.

With the added conditions listed above, staff is able to make the finding that the addition will not *significantly and adversely* affect the views, sunlight, or privacy of nearby residences, including the residence to the north-355 Willow Avenue.

4. The structure, site plan and landscaping are in scale and harmonious with existing and future development adjacent to the site and in the vicinity and with the landforms and vegetation in the vicinity of the site.

The proposed additions are of scale and design that is compatible with the homes directly adjacent to the project site and the surrounding neighborhood. The proposed project will add 465 square feet or ±35% to the existing 1,324 square foot house. The overall height of the residence will increase by 5 feet to a maximum of 17 feet (Code maximum is 30 feet). All colors and materials will match the existing building. No trees are proposed to be removed for the project. Overall the project appears to be harmonious with the topography of the area.

5. Development materials and techniques will result in durable high-quality structures.

The proposed modifications will conform to California Building Standards Codes and will utilize durable high-quality building materials.

6. The structures, site plan, and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors, and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists and vehicles.

The proposed additions will add to the size and function of the residence. The addition will be constructed with exterior color and materials that will match the existing building and will be visually pleasing setting for occupants, visitors, and the general community.

7. To the maximum extent feasible, the project includes the maintenance, rehabilitation, and improvement of existing sites, structures, and landscaping, and will correct any violations of the Zoning Ordinance, Building Code, or other municipal violations that exist on the site.

All new construction will be inspected and conform to the current California Building Standards Codes. Staff is not aware of any municipal violations currently existing on the site.

8. The design and location of signs are consistent with the character and scale of the buildings to which they are attached or which are located on the same site, the signs are visually harmonious with surrounding development and there are no

illegal signs on the site.

No signs are proposed as part of this project. Currently there are no known illegal signs on the site.

A finding has been made that this project is categorically exempt from the California Environmental Quality Act under Categorical Exemption Class 11 (Section 15311).

The Zoning Administrator's decision may be appealed to the Planning Commission within ten calendar days from the date of this approval letter by filing an appeal form, accompanied by a \$300 fee, with the Planning Department, 300 Tamalpais Drive, Corte Madera, CA 94925.

No Building Permit or other Town approval shall be issued until the expiration of the appeal period. The appeal period extends ten calendar days from the date of decision by the Zoning Administrator.

CONDITIONS OF APPROVAL

PLANNING AND BUILDING DEPARTMENT

1. The proposed project shall be constructed substantially in accordance with the 359 Chapman Drive plans stamped "Official Exhibit" with a received stamp date of July 9, 2015 except as amended by the conditions listed below.
2. No changes shall be made to the approved site plan, elevations, or details without written approval from the Corte Madera Planning Department. The Planning Director may refer changes to the Planning Commission.
3. Plans submitted for building permit shall include a sign owner and contractors statement (attached).
4. *Plans submitted for building permit shall include a solid wood fence with a height of 8 feet from at least the eastern end of the addition to the western end of the addition. The applicant shall also include a letter of consent from the owner of 355 Willow Avenue approving the location and height of the fence.*
5. *Plans submitted for building permit shall also include a 3½ and 12 roof pitch throughout the building to reduce the bulk, mass and impact of the building.*
6. The applicant and subject property owner shall permit the Planning Department or its representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the construction being performed under the authority of this approval is in accordance with the terms and conditions described herein.
7. Prior to a final building inspection of this project, the applicants shall contact the Planning Department to schedule an inspection of the finished project to ensure compliance with all of the required conditions of approval.

8. A Building Permit is required for this project. Please contact the Corte Madera Building Department at (415) 927-5062 for specific submittal requirements. Design and construction shall comply with applicable provisions of the 2010 California Building Standards Codes. Note that on 1/1/2014, the new edition will take effect.
9. Hours of construction shall be limited to 7:30 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturday, provided that if any reasonable and credible work-related complaints are received by the Town about construction on a weekend, no further work shall be conducted on a Saturday; and provided further, if any reasonable and credible work-related complaints are received by the Town about construction during any weekday, the Planning Director is vested with the authority to impose reasonable conditions to address the issues that gave rise to the complaint. Whether or not a complaint about construction is reasonable and credible shall be left to the sole and sound judgment of the Planning Director. In order to mitigate the adverse impacts the applicant's construction activities have on neighboring property owners and renters, the Planning Director shall be vested with the authority to impose reasonable conditions on the applicant's hours of construction and/or the applicant's construction activities. No workers shall be on the site except during these hours. Without limiting the generality of the foregoing, no preparatory work or staging shall be allowed to occur on the site or on adjacent properties except during the hours specified above. No work shall be performed on a legal holiday.
10. Prior to final building inspection, all debris shall be removed from the site.
11. This Design Review approval shall lapse and become null and void one year following the date on which the approval becomes final unless, prior to the expiration of said one year, a building permit is issued and is active per Building Code requirements on the site which was the subject of the use permit application, or a Certificate of Occupancy is issued for the site or structure which was the subject of the application. Design Review approval may be renewed as prescribed in Section 18.30.090 of the Town Zoning Ordinance.

PUBLIC WORKS DEPARTMENT

Grading and Drainage

1. In accordance with section 15.20.030 of the Municipal Code, the applicant may be required to obtain a **Grading and Drainage Permit** from the Public Works Department prior to issuance of a Building Permit. The application for this permit shall include, but not be limited to, a site grading plan/drainage plan showing topographic information prepared by a licensed civil engineer or landscape architect. If a geotechnical report is required, the project geotechnical/soils engineer shall review and approve the grading/drainage plan for conformance to the report prepared for the project.
2. No earthwork shall take place during the rainy season between October 15th and April 15th without special written authorization from the Director of Public Works. Unless specifically exempted, earthwork operations will require an **Erosion and Sediment Control Permit** from the Public Works Department per Municipal Code Section 15.20.285. The permit will require the installation and maintenance of appropriate erosion and sedimentation control measures for the proposed work. The applicant will be required to obtain the permit prior to the issuance of Building Permit.
3. Where possible, drainage facilities shall be installed to collect roof drainage and surface water

runoff from driveways, walkways, and other paved surfaces. Drainage shall be conveyed and disposed in a manner that avoids concentrated flows and minimizes impacts to adjoining properties. Drainage collection systems shall be designed to Town standards and the flow shall be conveyed to a publicly maintained or natural storm drain system. Runoff shall not be diverted from one drainage area to another. The subsurface drainage system of the foundation or the retaining wall shall remain separate from the surface drainage system.

4. Per Municipal Code Section 12.56.010, portions of the existing sidewalk and/or driveway approach along the property frontage that show severe cracking and/or displacement will require repair or replacement as required by the Public Works Department.

Work In Public Right-of-Way

5. Per Town Resolution No. 3314, a project over \$10,000.00 is subject to the **Street Impact Fee** equal to 1% of the project valuation. Applicability of this fee will be determined at the time of Building Permit.
6. At the time of Building Permit, the Public Works/Engineering Department will inspect encroachments, vegetation, sidewalks, and drainage at the property for compliance with the Town Municipal Code. The applicant shall bring the property into compliance with the Municipal Code in accordance with Town standards and to the satisfaction of the Public Works Director/Town Engineer prior to final acceptance of the project.
7. The applicant will be required to obtain an **Encroachment Permit** from the Public Works Department for all activities within, or use of, the public right-of-way (curbs, sidewalks, etc...) per Municipal Code Section 12.04.040. Work in the public right-of-way shall be in conformance with the Marin County Uniform Construction Standards and Specifications. The permit shall be obtained prior to any work being performed within the Town right-of-way.
8. Per Municipal Code Section 12.04.040, an **Encroachment Permit** from the Public Works Department will be required for any activities within, or use of, the public right-of-way such as placement of debris boxes, staging of equipment in the street, traffic control activities, or street closures, subject to the review and approval of the Public Works Department.
9. The applicant may be required to prepare and submit a **Construction Management Plan** to the Public Works/Engineering Department prior to the issuance of the Building Permit. The Plan shall provide a general overview of the construction process as it affects the public right-of-way and surrounding neighbors. At a minimum, the plan should outline the schedule of construction, the locations for staging of equipment and materials, and the truck routes that will be used for deliveries.
10. Prior to the issuance of the Building Permit, the applicant may be required to provide a **Construction Parking Plan** to Public Works. The Plan shall propose a system to minimize the effect of construction worker parking in the neighborhood, include an estimate of the number of workers and vehicles that will be present on the site during various phases of construction, and indicate where sufficient off-street parking will be provided.

Construction Operations

11. Prior to the issuance of a Building Permit, it may be required that a cash deposit up to a maximum amount of \$10,000 be posted for bonding purposes to ensure repair of any damage to roadways, landscaping, and other public improvements in the Town right-of-way caused by the applicant's construction-related activities. The amount of the cash deposit shall be determined at the time of the Building Permit. Said cash deposit shall not be released until the project, including all landscaping, is completed and all required repairs have been made.

12. Prior to the issuance of Building Permit, a video or photographic inspection of the existing conditions of the roadways and other public improvements adjoining the project may be required of the applicant. The inspection results shall be submitted to the Public Works Department.
13. Any damage to the street caused by heavy equipment or because of project construction activities shall be repaired, at the applicant's expense, prior to issuance of the Certificate of Occupancy. All hazardous damage shall be repaired immediately. Any heavy equipment brought to the construction site shall be transported by truck.
14. Per Municipal Code Section 9.33.100, the applicant shall employ best management practices (BMPs) as appropriate from the California Stormwater Best Management Practice Handbook for Construction Activity, latest edition, or from the Erosion and Sedimentation Control Field Manual published by the California Regional Water Quality Control Board, to control and prevent the discharge of sediment, debris and other construction related wastes to the storm drainage system or waterways, including, but not limited to, general construction, concrete and mortar application, heavy equipment operation, road work and paving, and earth-moving activities.

INDEMNIFICATION AGREEMENT

12. The applicant/owner shall:
 - A. Defend, indemnify, and hold harmless the Town of Corte Madera and its agents, officers, attorneys, or employees from any claim, action or proceeding (collectively referred to as "proceeding") brought against the Town or its agents, officers, attorneys, or employees to attack, set aside, void, or annul an approval of the above reference application(s) which proceeding is brought within the applicable statute of limitations. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the Town, if any, and the cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the Town, and/or the parties initiating or bringing such proceeding.
 - B. Defend, indemnify, and hold harmless the Town, its agents, officers, attorneys, or employees for all costs incurred in additional investigation or study of, or for revising, supplementing, redrafting, or amending any document, if made necessary by said proceeding and if applicant desires to pursue securing such approvals, after initiation of such proceeding, which are conditioned on the approval of such documents.
 - C. In the event that a proceeding is brought, the Town shall promptly notify the applicant of the existence of the proceeding and the Town will cooperate fully in the defense of such proceeding. In the event that the applicant is required to defend the Town in connection with any said proceeding, the Town shall retain the right to (1) approve the counsel to defend the Town, (2) approve all significant decisions concerning the matter in which the defense is conducted, and (3) approve any and all settlements, which approval shall not be unreasonably withheld. The Town shall also have the right not to participate in said defense, except that the Town agrees to cooperate with the applicant in the defense of said proceeding. If the Town chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the Town in such matters, the fees and expenses of the counsel selected by the Town shall be paid by the Town. Notwithstanding the immediately preceding sentence, if the Town

attorney's office participates in the defense, all Town attorney fees and costs shall be paid by the applicant.

- D. In the event that the Town is required to initiate legal action to enforce the above conditions, the applicant shall indemnify the Town for any and all costs and fees incurred by the Town in connection with that enforcement action.

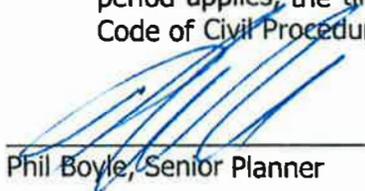
STOP WORK ORDER - RED TAG ORDINANCE

- 13. Per Section 15.70.010 of the Municipal Code, whenever any construction or other work that is subject to any provision of the Code has been, or is being, done in any manner that is contrary to any of the provisions of the Code, any ordinance of the Town, or any condition of a permit, approval, or other entitlement granted by the Town, the Town Manager or his/her designee may order that all construction or work on the property be stopped immediately by notice in writing mailed to any person engaged in doing or causing such work to be done and the owner of the property, and by posting on the property where the violation has occurred, or is presently occurring, a notice to stop such construction or work. Such person shall forthwith stop such work until authorized by the Town to proceed.

APPEAL PERIOD

- 14. No Building Permit, Certificate of Occupancy, or other Town approval shall be issued until the expiration of the appeal period. The appeal period extends ten calendar days from the date the decision of the Zoning Administrator was made. Unless a shorter statute of limitations period applies, the time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

* * * * *



Phil Boyle, Senior Planner

Attachments:

- 1. Letters from and to Jennifer Larsen, 355 Willow Avenue, November 17, 2015 and December 3, 2015
- 2. Owner and contractor statement.

c: 359 Chapman Drive, project file

Jennifer Larson
355 Willow Ave
Corte Madera, CA 94925
415 725 2017
jl Larson@labfive.com

Nov 17, 2015

To: Phil Boyle, Sr. Planner, Corte Madera Planning Department
300 Tamalpais Drive
Corte Madera, CA 94925

Dear Phil,

Thanks for your time and input on this. Per your suggestion I'm writing to oppose the home expansion project at 359 Chapman/Tunnel Lane as currently depicted by the story poles.

Living Room/Yard View - House Purchase

The story poles indicate that the proposed project would consist of an expanded area in one of the bedrooms - the wall siding of which would obliterate my single long view from my house - in my living room. This is the focal point of my house that confers maximum personal enjoyment and market value. The upslope hillside and ridgeline view is beautiful - it offers enjoyment from the living room and from the back yard area and by design, offers a sense of open space. The view allows the option for a patio to be built with doors leading from the living room. If, when looking at my house to purchase, I had seen that this view was blocked by the side of a wall, I would never have considered purchasing the house.

Before buying the house, I looked into the documents going back 20+ years that would give an understanding of the area, design issues, siting, privacy, the maintenance of views, variances etc. and they all cited the focus on preserving views. Additionally, there was a relevant issue previously between the 2 lots - that suggested a formal, clear alignment with the Design Review Guidelines.

Other Options

It's not right, fair or within what looks to be the scope of any of the Town documents to consider a scenario that would enhance the value of the adjacent house while negatively affecting the value of mine.

I would be open and amenable to options that would allow the neighbor to add square footage, but that would not involve blocking my view and limiting my future option to add patio space to take advantage of the really pretty aspect of the home.

What Chammout is currently proposing also adds height to the house. This added height would eliminate roughly 80% of the sunlight and piece of sky view from my den. Here also there are options for Chammout to expand the home that don't involve eliminating most of the sunlight from my den. Adding the proposed height to the roof, darkens my back room considerably.

I am amenable to many options, but not those that negatively impact the value of my home.

Compliance

I have consulted with a land use attorney who notes that the proposed story poles are in stark contrast to the words and spirit of the governing documents of Corte Madera: the General Plan, Zoning Ordinance and the Municipal Code. As noted, I had looked at a good portion of these documents before also and it noted that land use decisions were to be made that allowed for views to be maintained (General Plan, Section 5.0, etc.). There are multiple instances in the documents where View Preservation is highlighted as a central focus in issues related to new construction.

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The General Plan and other related documents likely exist to give buyers a clear framework, so that there aren't major surprises that can pop up and that the worth of a home isn't in limbo if an adjacent property owner decides to build.

Alternatives

I am happy to discuss any proposed alternatives that would allow Chammout to add square footage but that do not negatively impact my enjoyment of my home and property nor reduce its market value.

Kind regards
Jennifer Larson

490 Magnolia Avenue, Larkspur, CA 94939
O 415.945.6300 F 415.945.6339 pacificunion.com



Jennifer Larson
355 Willow
Corte Madera, CA 94925

December 3, 2015

Dear Jennifer:

Your home is lovely, and it has always been a favorite of mine. The setting, floorplan and outdoor areas are magical. It is a special place indeed. However, in looking at the potential addition at 359 Chapman, it is my professional opinion that it will significantly reduce the value of your property. What is now a private and serene sanctuary with views towards the ridge, will become less private and actually intrusive. The outlook from your living room and from one of the bedrooms will be seriously hampered, and the light will definitely be affected in a negative way.

It is my feeling that future potential buyers of your home (should you ever decide to sell) will envision the space outside your living room as the main garden and entertaining area and would likely be turned off. Instead of looking out to the long views of greenery and the hillside, they would be looking directly at a structure.

In terms of affecting value, I believe that an addition next door, where the story poles are situated, could seriously translate into a substantial value loss to you because your home prides itself on the surrounding long views, greenery, outdoor space and privacy.

Please let me know if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Tina McArthur".

Tina McArthur, Luxury Property Specialist

Pacific Union

490 Magnolia Ave.

Larkspur, CA 94939

OWNER AND CONTRACTOR STATEMENT:

I have read and I understand and accept the responsibility for the conditions of approval for Design Review Application No. 15-019 listed in the Zoning Administrator's Action dated January 15, 2016. I agree to abide by and conform to these conditions and all of the provisions of the Corte Madera Zoning Ordinance pertaining to the project located at 359 Chapman Drive and to all other ordinances of said Town affecting this project.

Date

Signature Owner

Date

Signature Contractor

O:\Planning Department\02 PLANNING APPLICATIONS AND PROPERTY FILES\A-J\CHAPMAN DRIVE\359 Chapman Dr\Feb Final Approval Letter 359 Chapman Dr.doc

ATTACHMENT 3



11/10/2015 16:48

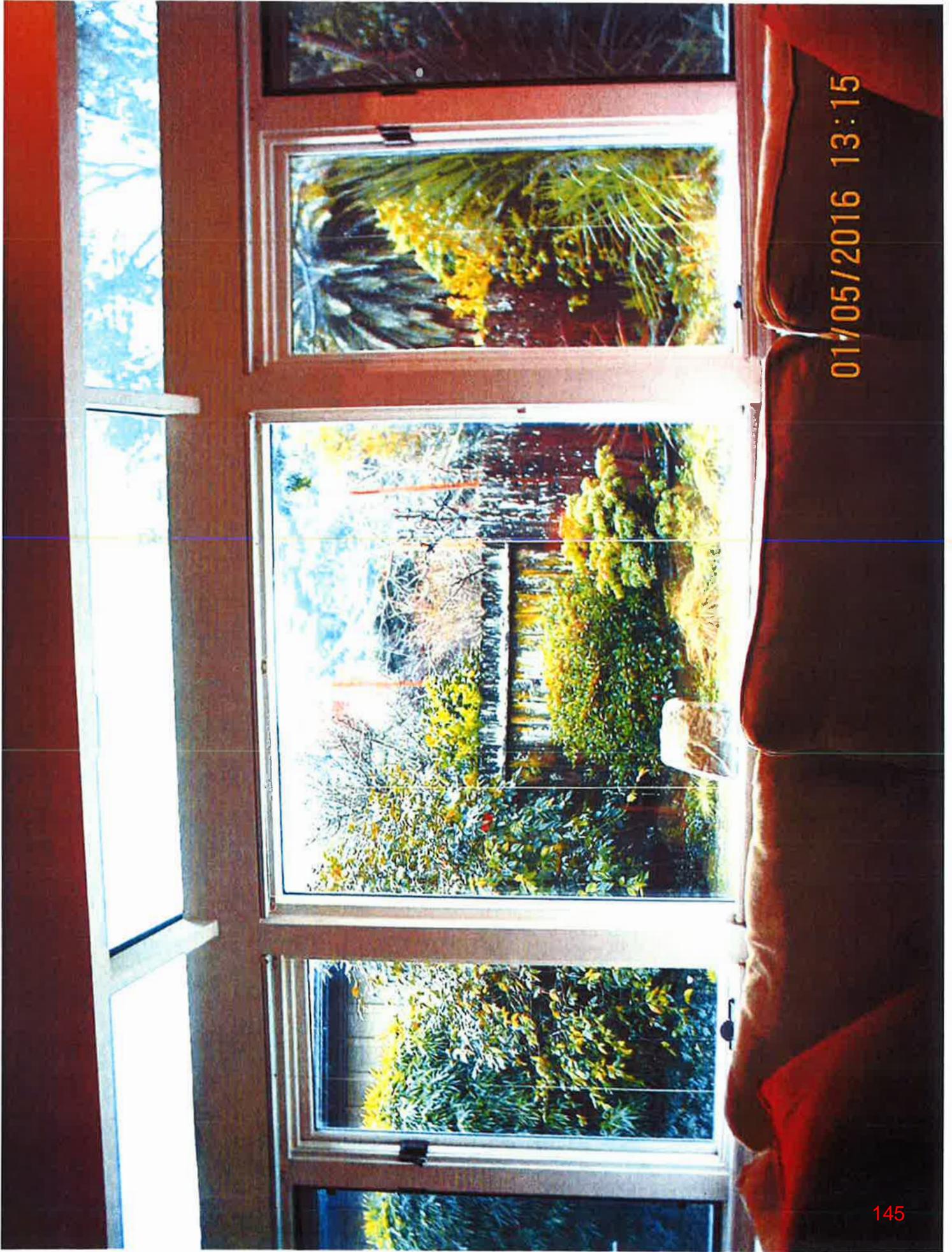


11/10/2015 16:49





01/05/2016 13:15



01/05/2016 13:15



01/05/2016 13:19

ATTACHMENT 4

RESOLUTION NO. 16-009

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CORTE MADERA DENYING THE APPELLANT'S APPEAL OF THE ZONING ADMINISTRATOR'S DECISION APPROVING DESIGN REVIEW PERMIT NO. 15-019, THEREBY ALLOWING THE CONSTRUCTION OF A 465 SQ. FT. ADDITION TO THE EXISTING SINGLE FAMILY RESIDENCE AT 359 CHAPMAN DRIVE

WHEREAS, on July 9, 2015, an application for Design Review was filed for a 465 sq. ft. addition to a single family residence; and

WHEREAS, on July 29, 2015, the Planning Department determined the application to be complete after review of submitted information and recommends that the project qualifies for categorical exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, on February 5, 2016, Staff approved Design Review Application No. 15-019 – for a 465 square foot single story addition and remodel of the existing house at 359 Chapman Drive. The addition met the height, setback, lot coverage, and floor area ratio regulations for the R-1 Medium Density Residential Zoning District. Staff analyzed the concerns from the neighbor at 355 Willow Avenue, added conditions of approval to mitigate the project impacts and made all of the required findings for Design Review Approval; and

WHEREAS, on February 12, 2016 The adjacent property owner to the north (355 Willow Avenue) filed an application appealing the Town's approval of Design Review Application No. 15-019; and

WHEREAS, on February 25, 2016 A public notice of the Appeal Application No. PL-16-11-AP was posted and sent to all property owners within 300 feet of 359 Chapman Drive; and

WHEREAS, on March 8, 2016 The Planning Commission held a public hearing regarding Appeal Application No. PL-16-11-AP; and

NOW, THEREFORE, BE IT RESOLVED, that the Corte Madera Planning Commission does hereby **deny** the appellants' appeal, uphold the Zoning Administrator's decision approving Design Review No.15-019 for construction of a 465 square foot addition at 359 Chapman Drive in Corte Madera, and subject to the findings and conditions of approval listed in the approval letter dated February 5, 2016 (Attachment #1):

APPEAL PERIOD

No Building Permit, Certificate of Occupancy, or other Town approval shall be issued until the expiration of the appeal period. The appeal period extends ten calendar days from the date of decision of the Planning Commission. Unless a shorter statute of limitation applies, judicial challenges to this decision must be brought within the time period specified in California Code of Civil Procedures § 1094.6.

PASSED AND ADOPTED by the Corte Madera Planning Commission on March 8, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Peter Chase, Chair

Adam Wolff, Planning Director

Attachment s

1. February 5, 2016, Staff Approval Letter for Design Review Application No. 15-019



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

DESIGN REVIEW
APPROVAL
by ZONING ADMINISTRATOR'S ACTION

359 Chapman Dr.

February 5, 2016

On February 5, 2016, the Zoning Administrator approved Design Review Application No. 15-019 – A request for a 465 square foot single story addition and remodel of the existing house at 359 Chapman Drive.

Please read all the information herein and familiarize yourself with the conditions below, many are time sensitive. Please sign and return the **Owner and Contractor Statement** when filing for a Building Permit for this project.

DESIGN REVIEW REQUIRED FINDINGS

In order to grant a Design Review, the Zoning Administrator must make the following findings required by Section 18.30.070 of the Corte Madera Municipal Code:

1. The project conforms with the General Plan, any applicable Specific Plan, and all provisions of the Zoning Ordinance.

Conformance with General Plan Land Use Policies

- *LU-2.4 - Ensure that new residential development and upgrades to existing residential development are compatible with existing neighborhood character and structures and LU-2.5 - Encourage property owner reinvestment in upgrades to existing residences and related property improvements.*
- The proposal remodel and additions to the existing single-family residence at 359 Chapman Drive will be an improvement to the property. The proposed improvements are consistent with the General Plan because they will upgrade the existing facility and may encourage property owners to reinvest in existing and new residential projects.

Conformance with the Zoning Ordinance —

- The proposed project is consistent with the following purposes listed in Section 18.08.010 of the Corte Madera Zoning Ordinance:
 - To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with sound standards of public

health and safety, and consistent with the general plan;

Conformance with any applicable Specific Plan

- The project site is not located within an established Specific Plan area.

2. **The project will not unnecessarily remove trees and natural vegetation, will preserve natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural beauty of the Town.**

The proposed project does not include the removal of any trees. The project will not affect any landforms, ridgelines, or result in any grading of hillsides. The project will not otherwise adversely affect the natural beauty of the Town. The intent of the project is to improve that function and aesthetics of the property.

3. **The project will not significantly and adversely affect the views, sunlight, or privacy of nearby residences, provides adequate buffering between residential and nonresidential uses, and otherwise is in the best interests of the public health, safety and general welfare.**

The proposed addition is in two areas. One is an extension of the north side of the house toward the west and is 13 feet 6 inches in height and extends 17 feet 6 inches into the yard toward Tunnel Lane. The other addition is within the center of the house and is 17 feet in height and extends 5 feet also toward Tunnel Lane. The addition is approximately 25 feet from the nearest residence to the north- 355 Willow Avenue. The project also includes a new roof which will result in the maximum height of the building increasing from approximately 12 feet to approximately 17 feet. The original relatively flat roof will be replaced with a hip roof. The proposed project meets the minimum setbacks, height, lot coverage and floor area ratio requirements.

As required by the Town, the applicant installed story poles which demonstrated the locations of the proposed additions and the proposed roof modifications. Staff visited the project site and the surrounding neighborhood several times both before and after the story poles were installed. Staff was also invited onto the property and in the residence directly adjacent to the north of the project site- 355 Willow Avenue to assess the project impact. Pictures from both properties are attached. Staff observed the site with the story poles in November and December, when the path of the sun is at its lowest and because of the height of the addition did not observe that the addition would cast shadows onto the yard or residence at 355 Willow Avenue.

Staff received two letters regarding the application, both from the resident of 355 Willow Avenue (Attachment 1). The first letter is from the owner of 355 Willow Avenue and the second letter is from Pacific Union to the owner of 355 Willow Avenue. Staff has closely reviewed the letters and understands the issues raised. Staff also met with both the applicant and the owner of 355 Willow Avenue together and separately to try to reach a compromise

The northern addition may have some impact on the adjacent property to the north however; the addition and roof modification is not excessive with a maximum height of 17 feet. The

northern section of the addition includes two windows which have sills heights of 4 feet 6 inches from grade and the tops of the two windows will be 8 feet 6 inches in height. To reduce the possible privacy impact to 355 Willow Avenue from these two new windows, staff has added a condition that the applicant, with the consent of 355 Willow Avenue as required by code, shall install a solid wood fence with a height of 8 feet from the eastern end of the addition to the western end of the addition. The applicant shall also revise the plans to show a 3½ and 12 roof pitch throughout the building to reduce the bulk of the project.

With the added conditions listed above, staff is able to make the finding that the addition will not *significantly and adversely* affect the views, sunlight, or privacy of nearby residences, including the residence to the north-355 Willow Avenue.

4. The structure, site plan and landscaping are in scale and harmonious with existing and future development adjacent to the site and in the vicinity and with the landforms and vegetation in the vicinity of the site.

The proposed additions are of scale and design that is compatible with the homes directly adjacent to the project site and the surrounding neighborhood. The proposed project will add 465 square feet or ±35% to the existing 1,324 square foot house. The overall height of the residence will increase by 5 feet to a maximum of 17 feet (Code maximum is 30 feet). All colors and materials will match the existing building. No trees are proposed to be removed for the project. Overall the project appears to be harmonious with the topography of the area.

5. Development materials and techniques will result in durable high-quality structures.

The proposed modifications will conform to California Building Standards Codes and will utilize durable high-quality building materials.

6. The structures, site plan, and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors, and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists and vehicles.

The proposed additions will add to the size and function of the residence. The addition will be constructed with exterior color and materials that will match the existing building and will be visually pleasing setting for occupants, visitors, and the general community.

7. To the maximum extent feasible, the project includes the maintenance, rehabilitation, and improvement of existing sites, structures, and landscaping, and will correct any violations of the Zoning Ordinance, Building Code, or other municipal violations that exist on the site.

All new construction will be inspected and conform to the current California Building Standards Codes. Staff is not aware of any municipal violations currently existing on the site.

8. The design and location of signs are consistent with the character and scale of the buildings to which they are attached or which are located on the same site, the signs are visually harmonious with surrounding development and there are no

illegal signs on the site.

No signs are proposed as part of this project. Currently there are no known illegal signs on the site.

A finding has been made that this project is categorically exempt from the California Environmental Quality Act under Categorical Exemption Class 11 (Section 15311).

The Zoning Administrator's decision may be appealed to the Planning Commission within ten calendar days from the date of this approval letter by filing an appeal form, accompanied by a \$300 fee, with the Planning Department, 300 Tamalpais Drive, Corte Madera, CA 94925.

No Building Permit or other Town approval shall be issued until the expiration of the appeal period. The appeal period extends ten calendar days from the date of decision by the Zoning Administrator.

CONDITIONS OF APPROVAL

PLANNING AND BUILDING DEPARTMENT

1. The proposed project shall be constructed substantially in accordance with the 359 Chapman Drive plans stamped "Official Exhibit" with a received stamp date of July 9, 2015 except as amended by the conditions listed below.
2. No changes shall be made to the approved site plan, elevations, or details without written approval from the Corte Madera Planning Department. The Planning Director may refer changes to the Planning Commission.
3. Plans submitted for building permit shall include a sign owner and contractors statement (attached).
4. *Plans submitted for building permit shall include a solid wood fence with a height of 8 feet from at least the eastern end of the addition to the western end of the addition. The applicant shall also include a letter of consent from the owner of 355 Willow Avenue approving the location and height of the fence.*
5. *Plans submitted for building permit shall also include a 3½ and 12 roof pitch throughout the building to reduce the bulk, mass and impact of the building.*
6. The applicant and subject property owner shall permit the Planning Department or its representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the construction being performed under the authority of this approval is in accordance with the terms and conditions described herein.
7. Prior to a final building inspection of this project, the applicants shall contact the Planning Department to schedule an inspection of the finished project to ensure compliance with all of the required conditions of approval.

8. A Building Permit is required for this project. Please contact the Corte Madera Building Department at (415) 927-5062 for specific submittal requirements. Design and construction shall comply with applicable provisions of the 2010 California Building Standards Codes. Note that on 1/1/2014, the new edition will take effect.
9. Hours of construction shall be limited to 7:30 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturday, provided that if any reasonable and credible work-related complaints are received by the Town about construction on a weekend, no further work shall be conducted on a Saturday; and provided further, if any reasonable and credible work-related complaints are received by the Town about construction during any weekday, the Planning Director is vested with the authority to impose reasonable conditions to address the issues that gave rise to the complaint. Whether or not a complaint about construction is reasonable and credible shall be left to the sole and sound judgment of the Planning Director. In order to mitigate the adverse impacts the applicant's construction activities have on neighboring property owners and renters, the Planning Director shall be vested with the authority to impose reasonable conditions on the applicant's hours of construction and/or the applicant's construction activities. No workers shall be on the site except during these hours. Without limiting the generality of the foregoing, no preparatory work or staging shall be allowed to occur on the site or on adjacent properties except during the hours specified above. No work shall be performed on a legal holiday.
10. Prior to final building inspection, all debris shall be removed from the site.
11. This Design Review approval shall lapse and become null and void one year following the date on which the approval becomes final unless, prior to the expiration of said one year, a building permit is issued and is active per Building Code requirements on the site which was the subject of the use permit application, or a Certificate of Occupancy is issued for the site or structure which was the subject of the application. Design Review approval may be renewed as prescribed in Section 18.30.090 of the Town Zoning Ordinance.

PUBLIC WORKS DEPARTMENT

Grading and Drainage

1. In accordance with section 15.20.030 of the Municipal Code, the applicant may be required to obtain a **Grading and Drainage Permit** from the Public Works Department prior to issuance of a Building Permit. The application for this permit shall include, but not be limited to, a site grading plan/drainage plan showing topographic information prepared by a licensed civil engineer or landscape architect. If a geotechnical report is required, the project geotechnical/soils engineer shall review and approve the grading/drainage plan for conformance to the report prepared for the project.
2. No earthwork shall take place during the rainy season between October 15th and April 15th without special written authorization from the Director of Public Works. Unless specifically exempted, earthwork operations will require an **Erosion and Sediment Control Permit** from the Public Works Department per Municipal Code Section 15.20.285. The permit will require the installation and maintenance of appropriate erosion and sedimentation control measures for the proposed work. The applicant will be required to obtain the permit prior to the issuance of Building Permit.
3. Where possible, drainage facilities shall be installed to collect roof drainage and surface water

runoff from driveways, walkways, and other paved surfaces. Drainage shall be conveyed and disposed in a manner that avoids concentrated flows and minimizes impacts to adjoining properties. Drainage collection systems shall be designed to Town standards and the flow shall be conveyed to a publicly maintained or natural storm drain system. Runoff shall not be diverted from one drainage area to another. The subsurface drainage system of the foundation or the retaining wall shall remain separate from the surface drainage system.

4. Per Municipal Code Section 12.56.010, portions of the existing sidewalk and/or driveway approach along the property frontage that show severe cracking and/or displacement will require repair or replacement as required by the Public Works Department.

Work In Public Right-of-Way

5. Per Town Resolution No. 3314, a project over \$10,000.00 is subject to the **Street Impact Fee** equal to 1% of the project valuation. Applicability of this fee will be determined at the time of Building Permit.
6. At the time of Building Permit, the Public Works/Engineering Department will inspect encroachments, vegetation, sidewalks, and drainage at the property for compliance with the Town Municipal Code. The applicant shall bring the property into compliance with the Municipal Code in accordance with Town standards and to the satisfaction of the Public Works Director/Town Engineer prior to final acceptance of the project.
7. The applicant will be required to obtain an **Encroachment Permit** from the Public Works Department for all activities within, or use of, the public right-of-way (curbs, sidewalks, etc...) per Municipal Code Section 12.04.040. Work in the public right-of-way shall be in conformance with the Marin County Uniform Construction Standards and Specifications. The permit shall be obtained prior to any work being performed within the Town right-of-way.
8. Per Municipal Code Section 12.04.040, an **Encroachment Permit** from the Public Works Department will be required for any activities within, or use of, the public right-of-way such as placement of debris boxes, staging of equipment in the street, traffic control activities, or street closures, subject to the review and approval of the Public Works Department.
9. The applicant may be required to prepare and submit a **Construction Management Plan** to the Public Works/Engineering Department prior to the issuance of the Building Permit. The Plan shall provide a general overview of the construction process as it affects the public right-of-way and surrounding neighbors. At a minimum, the plan should outline the schedule of construction, the locations for staging of equipment and materials, and the truck routes that will be used for deliveries.
10. Prior to the issuance of the Building Permit, the applicant may be required to provide a **Construction Parking Plan** to Public Works. The Plan shall propose a system to minimize the effect of construction worker parking in the neighborhood, include an estimate of the number of workers and vehicles that will be present on the site during various phases of construction, and indicate where sufficient off-street parking will be provided.

Construction Operations

11. Prior to the issuance of a Building Permit, it may be required that a cash deposit up to a maximum amount of \$10,000 be posted for bonding purposes to ensure repair of any damage to roadways, landscaping, and other public improvements in the Town right-of-way caused by the applicant's construction-related activities. The amount of the cash deposit shall be determined at the time of the Building Permit. Said cash deposit shall not be released until the project, including all landscaping, is completed and all required repairs have been made.

12. Prior to the issuance of Building Permit, a video or photographic inspection of the existing conditions of the roadways and other public improvements adjoining the project may be required of the applicant. The inspection results shall be submitted to the Public Works Department.
13. Any damage to the street caused by heavy equipment or because of project construction activities shall be repaired, at the applicant's expense, prior to issuance of the Certificate of Occupancy. All hazardous damage shall be repaired immediately. Any heavy equipment brought to the construction site shall be transported by truck.
14. Per Municipal Code Section 9.33.100, the applicant shall employ best management practices (BMPs) as appropriate from the California Stormwater Best Management Practice Handbook for Construction Activity, latest edition, or from the Erosion and Sedimentation Control Field Manual published by the California Regional Water Quality Control Board, to control and prevent the discharge of sediment, debris and other construction related wastes to the storm drainage system or waterways, including, but not limited to, general construction, concrete and mortar application, heavy equipment operation, road work and paving, and earth-moving activities.

INDEMNIFICATION AGREEMENT

12. The applicant/owner shall:
 - A. Defend, indemnify, and hold harmless the Town of Corte Madera and its agents, officers, attorneys, or employees from any claim, action or proceeding (collectively referred to as "proceeding") brought against the Town or its agents, officers, attorneys, or employees to attack, set aside, void, or annul an approval of the above reference application(s) which proceeding is brought within the applicable statute of limitations. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the Town, if any, and the cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the Town, and/or the parties initiating or bringing such proceeding.
 - B. Defend, indemnify, and hold harmless the Town, its agents, officers, attorneys, or employees for all costs incurred in additional investigation or study of, or for revising, supplementing, redrafting, or amending any document, if made necessary by said proceeding and if applicant desires to pursue securing such approvals, after initiation of such proceeding, which are conditioned on the approval of such documents.
 - C. In the event that a proceeding is brought, the Town shall promptly notify the applicant of the existence of the proceeding and the Town will cooperate fully in the defense of such proceeding. In the event that the applicant is required to defend the Town in connection with any said proceeding, the Town shall retain the right to (1) approve the counsel to defend the Town, (2) approve all significant decisions concerning the matter in which the defense is conducted, and (3) approve any and all settlements, which approval shall not be unreasonably withheld. The Town shall also have the right not to participate in said defense, except that the Town agrees to cooperate with the applicant in the defense of said proceeding. If the Town chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the Town in such matters, the fees and expenses of the counsel selected by the Town shall be paid by the Town. Notwithstanding the immediately preceding sentence, if the Town

attorney's office participates in the defense, all Town attorney fees and costs shall be paid by the applicant.

- D. In the event that the Town is required to initiate legal action to enforce the above conditions, the applicant shall indemnify the Town for any and all costs and fees incurred by the Town in connection with that enforcement action.

STOP WORK ORDER - RED TAG ORDINANCE

- 13. Per Section 15.70.010 of the Municipal Code, whenever any construction or other work that is subject to any provision of the Code has been, or is being, done in any manner that is contrary to any of the provisions of the Code, any ordinance of the Town, or any condition of a permit, approval, or other entitlement granted by the Town, the Town Manager or his/her designee may order that all construction or work on the property be stopped immediately by notice in writing mailed to any person engaged in doing or causing such work to be done and the owner of the property, and by posting on the property where the violation has occurred, or is presently occurring, a notice to stop such construction or work. Such person shall forthwith stop such work until authorized by the Town to proceed.

APPEAL PERIOD

- 14. No Building Permit, Certificate of Occupancy, or other Town approval shall be issued until the expiration of the appeal period. The appeal period extends ten calendar days from the date the decision of the Zoning Administrator was made. Unless a shorter statute of limitations period applies, the time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

* * * * *

Phil Boyle, Senior Planner

Attachments:

- 1. Letters from and to Jennifer Larsen, 355 Willow Avenue, November 17, 2015 and December 3, 2015
- 2. Owner and contractor statement.

c: 359 Chapman Drive, project file

OWNER AND CONTRACTOR STATEMENT:

I have read and I understand and accept the responsibility for the conditions of approval for Design Review Application No. 15-019 listed in the Zoning Administrator's Action dated January 15, 2016. I agree to abide by and conform to these conditions and all of the provisions of the Corte Madera Zoning Ordinance pertaining to the project located at 359 Chapman Drive and to all other ordinances of said Town affecting this project.

Date

Signature Owner

Date

Signature Contractor

O:\Planning Department\02 PLANNING APPLICATIONS AND PROPERTY FILES\A-J\CHAPMAN DRIVE\359 Chapman Dr\Feb Final Approval Letter 359 Chapman Dr.doc

ATTACHMENT 10 - Email correspondence from the applicant, the appellant, the Town of Corte Madera and the appellant's legal counsel

Phil Boyle

From: Andrew A. August <aaugust@bgrfirm.com>
Sent: Wednesday, April 27, 2016 2:23 PM
To: 'Sloan Bailey'; Michael Chammout
Cc: Rebecca Vaughn; Adam Wolff; Judith Propp (jpropp@publiclawgroup.com); Randy Riddle (rriddle@publiclawgroup.com); jlarson@labfive.com; Phil Boyle
Subject: RE: Appeal Notice to Town Council for May 3, 2016 - URGENT REQUEST FOR CONTINUANCE

Thank you for your prompt response .

**Andrew A. August**
Browne George Ross LLP
101 California Street, Suite 1225
San Francisco, California 94111
Direct Dial: 415.269.7273
T 415.391.7100
F 415.391.7198
aaugust@bgrfirm.com
www.bgrfirm.com

*****Please note the new address of our San Francisco Office as of November 10, 2015: 101 California Street, Suite 1225, San Francisco, CA 94111. The telephone and fax numbers will remain the same.*****

From: Sloan Bailey [mailto:sloancbailey@yahoo.com]
Sent: Wednesday, April 27, 2016 3:22 PM
To: Michael Chammout; Andrew A. August
Cc: Rebecca Vaughn; Adam Wolff; Judith Propp (jpropp@publiclawgroup.com); Randy Riddle (rriddle@publiclawgroup.com); jlarson@labfive.com; Phil Boyle
Subject: Re: Appeal Notice to Town Council for May 3, 2016 - URGENT REQUEST FOR CONTINUANCE

Thank you both for your emails. In the absence of agreement between you, I believe the appropriate procedure is to keep the matter on calendar. Of course you are welcome to raise any issue you like at the hearing. I have discussed the matter briefly with our town attorney, and you should feel free to contact him if you have any questions.

Have good rest of your week.

- Sloan Bailey -

On Wednesday, April 27, 2016 10:09 AM, Michael Chammout <michael.chammout@gmail.com> wrote:

Dear Mayor Bailey, Town Councilmembers

I guess I feel compelled to reply to this nonsense. I've been in close contact with Phil Boyle as to the timing of modifying the story poles, and it has been clear that I would do such before such time that he would be sending out the notice to all of you in preparation for site visits... which was this past Monday, which you can verify from his letter to you on this string. Just to keep this 'real' and honest, note that the modifications of the Planning Commission was for TWELVE INCHES less in length and height of the master bedroom addition, to a length of 15 feet, and height of 12.5 feet. Hardly

dramatic, and it is disingenuous and disappointingly misleading to imply that I purposefully waited until the last minute to modify the story poles. The pear tree in question has always been at the same location, and the story pole moved back 12 inches is still in very close proximity to the tree, as it was before. Did I purposefully 'camouflage' the pole? Sigh... These claims unfortunately exemplify the lack of integrity of Ms. Larson in painting an untruthful picture of my project and impact on her, which is minimal.

In fact it is Ms. Larson who has waited until the last desperate minute to retain a lawyer, just 2 days ago, to represent her interest and stir the nest for this upcoming proceeding. My project has been approved by the Town City Planning Department and the Planning Commission. I submitted this project for Design Review back on July 7th 2015, and have patiently complied in a timely fashion with every request asked of me including submitting a \$1320 fee, architectural plans, erecting story poles, then more story poles, then revising the Plans, then modifying the story poles. The Town City Planners conducted an exhaustive study and resultant report addressing and refuting each of Ms. Larson's gripes, including any effect on light and shadows. Her and her attorney now are just trying to stall further, and redundancy should not be part of the equation.

I would really like to get this project going, and certainly don't wish to have anyone coming onto my property to erect a structure because Ms. Larson has hired an attorney to now escalate the harassment, postponement and increased cost to me off an extremely modest project which is far below the threshold required by the Town for size, footprint to lot size, and height. The addition in contention is barely 210 square feet! I feel it is would be unprecedented for a disgruntled neighbor to cause the Town Council to deviate from their normal procedure and allow a 'continuance' to grasp any straw to delay this process further. I look forward to the Council Members conducting their own site visit if they wish, and coming to their own conclusions whether the 2 previous approvals did not accurately vet my project to be in accordance with the Town's requirements and the General Plan's spirit of encouraging home owners to upgrade our old, tiny, deteriorating, outdated cottages to decent family homes which meet modern code and construction metrics. I would like to have more than one bathroom, and a proper closet in the master bedroom!

I'm ready to go on Tuesday... enough of everyone's time has already been wasted. I am also not interested in hearing other folks' opinions on how I might redesign my Plan to appease Ms. Larson's wishes... A great deal of thought and design has gone into this project over the past 12 years, and it is my dream to create the space for my home that I always envisioned when I first bought my property. I have been waiting and planning a long time for this.

Sincerely

Michael Chammout
359 Chapman Drive
415-302-0140

On Tue, Apr 26, 2016 at 4:17 PM, Andrew A. August <aaugust@bqrfirm.com> wrote:
Dear Mayor Bailey, Vice Mayor Furst and Councilmembers

My firm and I represent Jennifer Larson in her challenge to the Town of Corte Madera's Planning Commission's approval with modifications of the Design Review application for a ±465 sq. ft. addition to the existing Chammout residence at 359 Chapman. Although the hearing on the Appeal to the Town Council is now set for May 3, 2016, I am writing to request a brief continuance to the next hearing date in May.

A continuance is necessary because although the Planning Commission hearing which triggered the need for the Applicant to erect new story poles to reflect the Commission's purported "modifications" was on March 8, the Applicant did not put them up until this past weekend (I saw them for the first time yesterday). I believe it is important for the Record on Appeal to re-photograph the proposed project with the modified story poles. This request is all the more important because the most prominent story pole – the one that demarcates the western-most point of the proposed addition - is not clearly visible from Ms. Larson's property because it is camouflaged by a tree.

I have also reviewed a transcript of the posted recording of the March 8, 2016 Planning Commission Hearing. In light of the comments by several of the Commission members during the hearing about the significant impact of the mass of the proposed addition on Ms. Larson's only view corridor, I ask that the Town - either through this body or the Planning Department - request the Applicant to erect a plywood or other opaque project façade within the story pole lines so that I can arrange to have the modified visual mass of the proposed addition photographed and shadow/sunlight effects assessed over the course of a few days. Ms. Larson agrees bear all expenses and liabilities pursuant to this request. The temporary façade will take only a short time to erect and can be removed within a day or two, thereby giving the Councilmembers who wish to see the mockup from both properties the opportunity to do so.

We anticipate that numerous residents of the neighborhood will be attending this hearing so if there is any way to advise me in advance of next Tuesday's hearing of your decision to grant or deny this request for continuance, I know it would be greatly appreciated by many.

Thank you for considering this request.

Sincerely,

Andrew August


BROWNE
GEORGE
ROSS
LOS ANGELES • SAN FRANCISCO
www.bgrfirm.com

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Direct Dial: 415.269.7273
T 415.391.7100
F 415.391.7198
aaugust@bgrfirm.com

*****Please note the new address of our San Francisco Office as of November 10, 2015: 101 California Street, Suite 1225, San Francisco, CA 94111. The telephone and fax numbers will remain the same.*****

From: Phil Boyle [mailto:pboyle@tcmmail.org]

Sent: Friday, April 22, 2016 3:59 PM

To: sloancbailey@yahoo.com; Diane Furst; JamesAndrews.CorteMadera@gmail.com; condon94925@yahoo.com; Michael Lappert

Cc: Rebecca Vaughn; Adam Wolff; Judith Propp (jpropp@publiclawgroup.com); Randy Riddle (rriddle@publiclawgroup.com); jlanson@labfive.com; Michael Chammout; Andrew A. August

Subject: Appeal Notice to Town Council for May 3, 2016

Dear Councilmembers,

Attached is a notice of an appeal of the Planning Commission's approval with modifications of a Design Review application for a ±465 sq. ft. addition to the existing residence at 359 Chapman Drive

(the parcel is also adjacent to Tunnel Lane). This notice was also posted at the three required public places and mail to all properties within 300 feet of the project.

The appellant is Jennifer Larson of 355 Willow Avenue and the applicant is Michael Chammout of 359 Chapman Drive.

Modified story poles will be in place which show the current proposal by Monday the 25th.

If you would like to visit the site(s) please contact Ms. Larson directly at jl Larson@labfive.com or [415-725-2017](tel:415-725-2017)

and/or Mr. Chammout at michael.chammout@gmail.com or [415-302-0140](tel:415-302-0140).

Please contact me if you have any questions or if you'd like me to go with you to visit the site(s).

Have a good weekend,

Phil

Phil Boyle
Senior Planner
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94976-0159
[\(415\)927-5067](tel:4159275067)
pboyle@tcmmail.org

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Phil Boyle

From: Andrew A. August <aagust@bgrfirm.com>
Sent: Monday, April 25, 2016 2:16 PM
To: Phil Boyle
Cc: Judith Propp (jpropp@publiclawgroup.com); Randy Riddle (rriddle@publiclawgroup.com); jlarson@labfive.com
Subject: RE: Appeal Notice to Town Council for May 3, 2016
Importance: High

Dear Mr. Boyle,

As you know, my firm and I are now representing Jennifer Larson in her challenge to the Town of Corte Madera's Planning Commission's approval with modifications of the Design Review application for a ±465 sq. ft. addition to the existing Chammout residence at 359 Chapman. Although the hearing on the Appeal to the Town Council is now set for May 3, 2016, I am writing to request a brief continuance to the next hearing date in May.

A continuance is necessary because the new story poles showing the Commission's purported modifications were erected just this past weekend and I saw them for the first time this morning. I believe it is important for the Record on Appeal to re-photograph the project with the modified story poles.

I have also reviewed a transcript of the recording of the March 8, 2016 Planning Commission Hearing. In light of the comments by several of the Commissions members during the hearing about the impact of the Project on Ms. Larson's view corridor, I would like to have the Planning Department request that the Applicant permit Ms. Larson to erect a plywood or other opaque project façade within the story pole lines so that I can arrange to have the visual mass of the proposed addition photographed and shadow/sunlight effects assessed over the course of a few days. Ms. Larson will of course bear all expenses. The temporary structure could easily and quickly be constructed off-site from the Chapman Property, moved on-site and removed immediately after the photographs are taken and the Councilmembers who will be presiding over Ms. Larson's appeal have had a chance to view the mock up of the addition from both properties.

Thank you for considering this request. In light of the extremely short time frame that now exists, please get back to me at your earliest convenience.

Sincerely,

Andrew August



Andrew A. August
Browne George Ross LLP
101 California Street, Suite 1225
San Francisco, California 94111
Direct Dial: 415.269.7273
T 415.391.7100
F 415.391.7198
aagust@bgrfirm.com

www.bgrfirm.com

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ATTACHMENT 11 - Letters from neighbors

April 27, 2016

Town Council of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925-1418

Re: Notice of Public Hearing – Tuesday, May 5, 2016

To the Respected Members of the Town Council:

My name is Steve Kopetsky. My wife, Linda Vidal, and I live at 363 Chapman Drive which is immediately “next door” to the property at 359 Chapman Drive owned by Michael Chammout. In fact, Mr. Chammout and I share a property line that runs the entire depth of our lot from Chapman Drive to Tunnel Lane.

I plan to attend the meeting on May 5, but am writing this letter to each of you as a courtesy and provide you the opportunity to review my comments before the meeting. I also admit this is a bit difficult for me as I have been friends with both Michael Chammout and Jennifer Larson for approximately 10 years. I didn’t necessarily want to become involved, but am compelled to do so as a matter of principle.

From the notification I received in the mail this week, I understand there is yet another appeal by Jennifer Larson objecting to the improvements Mr. Chammout has proposed for his property. I appreciate and respect due process – which I presume is the only reason the Council is reviewing the permit request after previously being approved on two separate occasions by members of the Planning Commission.

Personally, I have nothing to gain or lose by becoming involved with the potential exception of some “hard feelings” from Ms. Larson – which I certainly don’t relish. It is time, however, that I express support for Mr. Chammout’s proposed and previously approved improvements by trying to bring some rational, pragmatic and unbiased thinking into what has largely become an emotionally charged and irrational objection. I am not taking sides with individual personalities here. I am making a statement in support of the principle of the matter.

Please consider my support to Mr. Chammout’s plans with the following considerations:

- My opinion is certainly relevant given my property shares a lot line with 359 Chapman significantly greater than the one shared with 355 Willow;
- The improvements Mr. Chammout has already made have had a significantly positive impact on our neighborhood;
- Mr. Chammout’s plans **do not** include a second story addition. Claims that the plans include a “massive wall that would drastically, negatively and forever alter the relationship to her house and property to its natural surroundings” are dramatically overstated;

- The plans are very reasonable to bring the home to a modern-day design lay-out and consists of adding only a total of 456 square feet;
- Mr. Chammout has already attempted to make changes to the roof line and wall extension as a matter of good faith though he was under no obligation to do so, and;
- As stated in the notice of Public Hearing, "The proposed addition meets all the height, setback, lot coverage and floor area ratio regulations for the R-1 Medium Density Residential Zoning District." Otherwise, why do even have these regulations?

Lastly, I implore the Town Council to use fundamental reason, enforcement of appropriate regulations and basic common sense to see beyond the distractions and clutter of this ongoing appeal and to approve the design for 359 Chapman without delay. With all due respect to all involved, this project has been fully vetted and reviewed to the Nth degree. Due process has certainly been observed and at this point - enough is simply enough.

Respectfully,

Steve Kopetsky
363 Chapman Drive
Corte Madera, CA 94925

LESLIE ALDEN
377 CHAPMAN DRIVE/TUNNEL LANE
CORTE MADERA, CA 94925

APRIL 27, 2016

Town Council of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

RE: Appeal of Planning Commission Decision - 359 Chapman Dr./Tunnel Lane
May 3, 2016 Corte Madera Town Council Agenda

A Suggested Compromise

Dear Town Council Members,

I write to you as a 34-year resident of Tunnel Lane, who has known both of the parties in this dispute for over 10 years. The quality of our lives on this little street is made immeasurably better by our relationships as neighbors and friends, and for our collective appreciation of the beauty of our neighborhood, which we all treasure. I have seen many changes over the decades – some easy, some more challenging, but all part of the fabric of our community, our lives, and the passage of time.

I write also as the next-door neighbor of applicants who, some years back, proposed adding a second story to their home, in the middle of our street of modest single story homes. We appealed, they made some concessions, and we continued to fight their proposal, but ultimately the Council ruled in their favor, and they added a second story. There is definitely a change, and it has been one that has taken time to get used to. There is a second story where I used to see ridgelines, but my enjoyment of life here on Tunnel Lane was not as impacted as I had feared.

While that period was difficult, it is well behind us. My relationship with my neighbors is something I value highly, and I am glad they were able to stay in their home, raising their two wonderful children, and able to remain a part of our community. It is my hope that this current dispute can be resolved so that both parties come away satisfied, and that the important relationships in our neighborhood are maintained.

I have seen both properties. I appreciate and understand the appellant's concerns, having faced a major change myself with my next-door neighbor. Mr. Chamout has proposed a very reasonable and modest addition to his home that brings it more in-line with current housing trends, without changing the character of his home, or our neighborhood. His proposed remodel will add value to his home and, by extension, to the value of other homes. It is not, however, without impacts to his neighbor. This proposal will affect Ms. Larson's home, her privacy, and her view, and all that needs to be considered, along with the reasonableness of Mr. Chamout's proposal.

The Public Notice states, "The proposed addition meets all the height, setback, lot coverage and floor area ratio regulations for the R-1 Medium Density Residential Zoning District.", and so it seems that Town Staff and the Planning Commission have done the requisite due diligence and that this remodel conforms with all town regulations and ordinances.

That said, I think there is room for additional negotiation so that a compromise can be reached that might allow for everyone to have their needs and wants met, but I do not envy you having to help broker a new agreement. I see two alternatives:

1. Assuming that the Council may want to approve the proposed remodel more or less as presented, I would suggest that you require the applicant remove the windows from the north side of the proposed addition to ensure Ms. Larson's privacy. Even if clerestory windows replaced the proposed windows, interior lights being turned on and off will affect the adjacent property, which is in very close proximity. In addition, the applicant should be required to plant screening shrubs that are not invasive and will not grow taller than the new roofline. Fairly mature landscaping should be planted so that maximum screening can be achieved in as short a time as possible.

Alternatively, should the Council and the parties be willing to entertain something a bit more radical, but which has the possibility to resolve this:

2. The two bedrooms on the north side of Mr. Chamout's house are virtually interchangeable. The difference is that, should Mr. Chamout remodel the east bedroom instead of the proposed west bedroom, he will have more space to create a master suite in the backyard, without having any impact on Ms. Larson's property. It is my understanding that Ms. Larson has offered to pay for additional architectural drawings. This seems like a win-win.

These are always delicate matters, balancing property rights, regulations, community character, and neighborhood relationships. I do not envy your decision-making, and I hope that you do not have to be Solomon-like and leave both parties unhappy. I will be unable to attend the Council meeting due to a prior commitment, but I thank you for taking my comments into consideration.

Sincerely,

Leslie Alden

April 27, 2016

Jennifer Larson
415 725 2017
355 Willow Ave

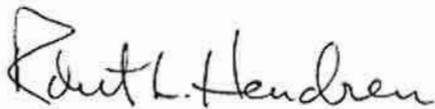
Dear Jennifer,

I am writing with my strong support for your efforts to find a way to keep your next door neighbor from building on his lot in a location that would almost entirely eliminate your only view out of your home on an upslope view of the ridge and greenery.

We live just up the street in Chapman Park and are familiar with the importance of some view and with houses being close together, the risk of losing the view when a neighbor builds without regard to their neighbors view.

Please let us know if there is anything we can do to help your neighbor or the Town Council to help your neighbor be a good neighbor to you and not block your view with a poorly placed structure.

Best Wishes,

A handwritten signature in black ink that reads "Robert L. Hendren". The signature is written in a cursive style with a large, stylized initial 'R'.

Robert L. Hendren
488 Montecito Dr.
Corte Madera, CA 94925

Corte Madera Town Council
300 Tamalpais Dr
Corte Madera, CA 94925

Re: Support of Appeal to 359 Chapman Proposed Addition

Dear Corte Madera Town Council,

I am writing to support Jennifer Larson at 355 Willow in her Appeal of the Planning Commission's decision to approve an expansion at 359 Chapman Dr.

I live at 367 Tunnel Lane (also known as 367 Chapman), just 2 doors from the proposed project. I've been in my house and a member of the Corte Madera community for over 43 years. I'm a licensed Speech Pathologist, Early Childhood Education Specialist, school principal, community college instructor and have worked and taught throughout Marin, SF and the East Bay.

Although I have traveled extensively around the world, Corte Madera, and specifically this little neighborhood, has always been an extremely special place to me. People, myself included, chose to live here because there's a very clear and precious relationship with nature in this area. In fact, if you have driven up Tunnel Lane at night you will see that we have purposefully not had street lights installed because it allows us to have access to quiet and starry nights that very few people in the entire Bay Area have. And something I'm sure you know, is that what is most important and valuable to so many of us who chose this neighborhood as a place to set down roots, is the sense of harmony with the natural world, which certainly includes protected views. And that is exactly what is at stake for Ms. Larson with the proposed remodeling project at 359 Chapman Dr. Anyone can live in a place surrounded by walls and buildings and a complete lack of privacy – go to San Francisco or San Jose – that's not why anyone lives here and certainly not why Ms. Larson bought her home.

If the project at 359 Chapman is allowed to proceed, it would forever alter the way development in Town is evaluated.

I recently was at Ms. Larson's home and could not believe that the proposed project could possibly be permissible in this town and county. From the images on the town's own website to focus on view preservation in the General Plan, there is nothing to suggest this project should be allowed. Indeed, proposing to put a wall smack in someone's view is the antithesis of what this community stands for.

Ms. Larson has only one single view from her home.

It's a lovely view of a hillside and ridgeline that has been preserved and protected as open space.

Her house is very clearly sited around this primary view.

The proposal would ruin her outlook, eliminate her ability to enjoy her backyard at all (she does not have a usable front yard, it is a manicured garden for the benefit of passers by) and very obviously, MAJORLY devalue her house. There is no way that this project should be condoned by the governing body charged with overseeing this beloved town and all of the development and remodeling that occurs within its boundaries. Fortunately, there are development standards and these must be upheld. In recent years there have clearly been some development “mistakes” that were sold to and passed by, the town. This proposal shouldn’t be added to the list.

If the development standards are not upheld, then how would it ever be possible for a home with a view – to be advertised as such?
And would home ownership brochures need to come with a disclaimer saying: ‘There’s every chance you’re paying a premium for this, but don’t think for a moment you can count on it’?”

I’ve known her since 2005. I was glad when she and Michael bought the house at 359 Chapman together in 2006, then sorry to see her go at the end of that year. She has always been an outstanding neighbor.

My understanding was that things weren’t working out for them; and then in 2007, I celebrated when they reconnected.

Jenny and Michael were going to buy the 355 Willow house so they could maybe someday combine the lots or have a separate rental unit. It was important to both of them that someone wouldn’t buy that home and choose to build up and destroy their privacy and view.

Ms. Larson wound up buying the house herself. They rented it out to a nice family and Jenny moved back into the neighborhood at 359 Chapman. All of that seemed to make sense, I would have done the same thing in her position. They then had 2 lots next to each other and didn’t have to worry about anyone compromising their houses. I discussed this huge priority for both of them at that time, and knew it was a major investment Ms. Larson was willing to make so that neither of them would ever have to lose their views or privacy.

So the fact this comes up at all, with Michael proposing to build in her view is even more abhorrent than it would be without knowing all of their history, but given the background, it’s not only wrong from a code perspective but wrong from a kind and human perspective. And actually feels very vindictive to me to see the proposal to build out on the Tunnel Lane side (given their agreement) rather than the Chapman side. A KEY POINT here is that I know for a fact that Michael has other excellent places on his lot to build that would not be impactful. He has a large yard on the Chapman side, a courtyard, etc. Ms. Larson was more than willing to compromise but that willingness is clearly unilateral.

As our elected City Council leaders, I believe as others do, that you should uphold the Town’s charter – apply the codes and it will be clear as day that this project should NEVER HAVE BEEN APPROVED AT ANY STAGE. And that begs the question. Why was it ever approved??

I like both my neighbors (J Larson and M Chammout); but there is no question whatsoever that I completely support Ms.Larson and ask that you accept her appeal and DENY the project in this location.

Very sincerely,

A handwritten signature in black ink that reads "Sandra L. Hagood". The signature is written in a cursive style with a large, looping initial "S" and a distinct "Hagood" ending.

Sandra L. Hagood
367 Chapman Drive
Corte Madera

ATTACHMENT 12 - Site Plan, Floor Plans and Elevations for addition to 359 Chapman Dr. revised per approved modifications by Planning Commission on March 8,

PLANS ARE AVAILABLE FOR REVIEW IN THE PLANNING DEPARTMENT
300 Tamalpais Drive, Corte Madera 94925
M-Th: 8am-11:30am, 1pm-3pm
Closed Fridays
415-927-5064

Code lists the general definition of a Public Nuisance, the 13 property conditions constituting a Public Nuisance, and the process for administering nuisance action ([Attachment 1](#)). Generally speaking, these property conditions include extreme deferred maintenance and storage of unsightly or hazardous materials and/or debris on the property that are materially detrimental to nearby residents and the neighborhood as a whole.

Staff is empowered to identify Nuisances as designated in Section 9.04.030 and work with property owners to encourage voluntarily abatement of the Nuisance. If voluntary abatement does not occur within designated time periods, a public hearing before the Town Council is scheduled. The Town Council has the authority to render a decision by resolution supported by findings whether a Public Nuisance exists and, if so, ordering abatement within a designated time frame. Town Council may also continue the public hearing to a later date to allow the property owner additional time to voluntarily abate the property conditions constituting the Nuisance prior to rendering a decision by resolution.

Alternatively, the Nuisance Ordinance provides for an Administrative Citation and Fine procedure. This alternative is not preferred for this property, since the goal to abate the Public Nuisance would likely not be hastened by the imposition and recordation of fines.

Below is an excerpt of the Municipal Code outlining the Town Council authority at time of public hearing.

9.04.070 Hearing by the Town Council

A. At the time stated in the notice, the Town Council shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, persons who reside at the property, town personnel and other interested persons relative to the alleged public nuisance and the abatement of the public nuisance. The hearing may be continued from time to time by the Town Council.

B. As soon as practicable following the close of the hearing, the Town Council shall render a decision by resolution supported by findings. If the Town Council finds that a public nuisance exists, and there is sufficient cause to order abatement, the Town Council shall order the abatement of the public nuisance within the time and in the manner set forth in the decision.

C. The resolution of the Town Council shall inform the property owner that the time for judicial review is governed by Section 1094.6 of the state Code of Civil Procedure. The resolution and order of the Town Council shall be final.

D. A copy of the Town Council resolution shall be posted on the property and served upon the owner or owners of the property in accordance with the provisions of section 9.04.040. Upon abatement in full by the owner, confirmation by the Town, and the owner's payment of all ordered costs and expenses, the proceedings hereunder shall terminate.

PROPERTY CONDITIONS AT 614 OAKDALE AVENUE:

The property at 614 Oakdale Avenue is zoned R-1 Medium Density Residential and developed with a single family home (see map in [Attachment 5](#)). The Planning and Building Department files for this property contain repeated complaints lodged by an adjacent neighbor over the condition and maintenance of the property since 2004. The complaints have ranged from the presence of overgrown weeds, debris, garbage, storage containers and bags of unknown items, to the lack of proper building maintenance, unsightly conditions, inappropriate behavior, concerns over fire safety and rodents. [Attachment 2](#) contains a sampling of the complaints received by the Town over the years and the Town's responses to those complaints. For the most part, the conditions near the entrance of the house, in the location of a covered walkway, are the source of the complaints, as that is

visible from the second story of the house adjacent to the property. This area tends to fill up with bags of newspapers, “junk”, and other items, and according to the complainant, is where the property owner sleeps outside, behind a hung sheet or blanket. Additionally, storage bins and other items behind the garage are in view of the neighbor’s second story windows.

Staff notes that over the years, physical improvements to the home and site, in response to complaints by a neighbor, have been made, including replacing a broken window facing the neighbor, painting the garage facing the street, and removal of inoperable vehicles in the driveway. As a result, staff notes that from the public street (Oakdale Avenue), there is no indication of nuisance-like conditions. Attachment 3 includes photos of the property at various times over the last 18 months.

Over the last 2 years, Planning and Fire Department staff has invested numerous hours in a concerted effort to address the complaints that have been received. Staff has met with the property owner on-site approximately 10 times to discuss the complaints, document the property conditions, inform the owner of the Nuisance Ordinance, and request removal of items in view of the adjacent neighbor. Each time, after some difficulty in arranging meeting times with the property owner, most of the requested items in the covered walkway are removed, sometimes more completely than others. The Fire Department at no time considered the property to be a significant safety risk. Staff noted in February, 2015 that based on the clean-up efforts of the property owner, that no public nuisance existed at that time (see letter dated February 12, 2015 in Attachment 2). Additionally, earlier this month, staff communicated with Supervisor Steve Kinsey’s Office and Marin County Environmental Health Services, which performed a site visit and received information from the County’s Aging and Adult Services Agency resulting in no site or welfare concerns.

Nonetheless, items and “junk” continue to return to the covered walkway area in view of the second story of the neighboring house. It is clear to staff that the property owner has concerns about throwing away many of the items considered to be “junk” and this has, and will continue to be, a recurring issue for the complainant. As a result, staff believes it is important for the Town Council to determine, in its view, whether the property conditions constitute a public nuisance regardless of whether voluntary abatement has occurred at this particular time. The photos in Attachment 3 document the property conditions at various times since January 2015.

On March 30, 2016, staff issued a NOTICE TO ABATE A PUBLIC NUISANCE pursuant to authorization of the Ordinance. The NOTICE cited a number of property conditions that staff believed could qualify as a Public Nuisance. As authorized by the ordinance, on April 22, 2016, staff issued a subsequent NOTICE OF PUBLIC HEARING in order that the Town Council hears this matter and determines whether the property conditions constitute a Public Nuisance. Attachment 4 includes the Notice to Abate and Notice of Public Hearing. The public hearing notice was sent to the complainant as well as all neighbors that abut or are directly across Oakdale Avenue from 614 Oakdale.

OPTIONS:

In light of the long history of neighbor complaints and the recurring nature of the issue, staff feels it is appropriate that this matter be discussed in a public hearing and that the Town Council exercises its authority under the ordinance, in working towards a final resolution of the nuisance associated with this property. Town Council can:

- 1) Acknowledge the presence of a Public Nuisance at 614 Oakdale Avenue as designated in Chapter 9.04, but allow the property owner additional time to voluntarily abate the Public Nuisance by continuing the public hearing to a date specific;

- 2) Determine there is no Public Nuisance at 614 Oakdale Avenue as designated in Chapter 9.04 by Motion of the Council and potentially recommend alternative options to address the concerns of complainant;
- 3) Give staff direction to draft a Resolution for the next Town Council meeting date citing the presence of a Public Nuisance at 614 Oakdale Avenue and establish a specific date by which the Public Nuisance must be abated. Procedures for the Town's involvement in abating the nuisance, if voluntary compliance is not obtained, is included in Section 9.04 of the Municipal Code.

It was the intent of Town Council in adopting the Nuisance Ordinance to provide a violator that is elderly, disabled, or low income with guidance, suggestions, and an additional opportunity to implement such guidance or suggestions which may better enable the violation to be removed or corrected by the responsible party at its own expense without the need for coercive action to be taken by the Town.

ATTACHMENTS:

1. NUISANCE ORDINANCE (Section 9.04)
2. RECORD OF COMPLAINTS AND RESPONSES
3. PHOTOS TAKEN SINCE JANUARY 2015
4. NOTICE TO ABATE A PUBLIC NUISANCE and NOTICE OF PUBLIC HEARING
5. AREA MAP
6. VIEWS FROM NEIGHBOR'S SECOND STORY (SEP/OCT 2015)

ATTACHMENT 1

NUISANCE ORDINANCE (SECTION 9.04 OF CMMC)

Chapter 9.04 - NUISANCES^[1]**Sections:***Footnotes:**--- (1) ---****Editor's note**—Ord. No. 928, § 1, adopted May 3, 2011, repealed Ch. 9.04, in its entirety and enacted new provisions to read as herin set out. Prior to this amendment, Ch. 9.04 pertained to similar subject matter. See Disposition of Ordinance Table for derivation.*

9.04.010 - Purpose.

- A. This chapter is enacted in order to define the conditions that constitute a public nuisance and provide procedures for the abatement of such nuisances. Nothing contained in this chapter is intended to preclude the town from pursuing any other lawful civil or criminal remedies in the place of or in addition to the remedies provided in this chapter.
- B. Nothing contained in this chapter shall prevent the town council from ordering the town attorney to commence a civil or criminal proceeding to abate a public nuisance in any manner authorized by state or local law as an alternative to, or in conjunction with, the remedies provided in this chapter.
- C. In any administrative, civil or special proceeding to abate a public nuisance, the prevailing party shall be entitled to reasonable attorneys' fees if the town elects, at the initiation of the administrative, civil or special proceeding to seek recovery of its own attorneys' fees.
- D. This chapter is intended as a remedy available to the town for enforcement of violations which may be the same or similar to violations that have also been the subject of administrative citation proceedings under Chapter 9.05 prior to the commencement of proceedings under this chapter.
- E. No provisions establishing appeal rights or appeal procedures that are contained within any other chapter of this Code shall be applicable to proceedings under this chapter.

(Ord. No. 928, § 1(Exh.A), 5-3-2011)

9.04.020 - Nuisance generally.

- A. Anything that is injurious to health, is indecent or offensive to the senses, obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property, or obstructs the free passage or use in the customary manner of any public park, square, street or highway, is a public nuisance.
- B. A public nuisance further includes any unlawful obstruction or encroachment upon any public property, including but not limited to any public street, highway, right-of-way, park, building or any other condition that is injurious of the health, safety or general welfare.
- C. Every day a public nuisance continues to exist shall be regarded as a new and separate offense.

(Ord. No. 932, 1, 5-1-2012)

9.04.030 - Nuisances designated.

- A. Any violation of the municipal code constitutes a public nuisance and may be abated in the manner provided for in this chapter. Therefore, this section is not the exclusive definition of what constitutes a public nuisance. This section supplements and is in addition to, other regulatory codes, statutes and ordinances enacted by the town, the state or any other legal entity or agency having jurisdiction.

B.

It is a public nuisance for any person, firm, or entity owning, leasing, occupying, or having charge or possession of any private property within the town, to maintain such property in such a manner that any of the conditions listed below are found to exist:

1. Any property, or any building or structure thereon, maintained in a condition that is so defective, unsightly, or in such condition of deterioration or disrepair as to be:
 - (a) A health, fire or safety hazard to occupants of the property, adjacent or nearby properties or the general public; or
 - (b) Visible from a public street, highway or private roadway, and of such a nature or character that it may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of an adjoining or nearby property; or
 - (c) Visible from an adjoining or nearby property, and of such a nature or character that it may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of that adjoining or nearby property from which such condition is visible.
2. Building exteriors, roofs, landscaping, grounds, walls, retaining and crib walls, fences, gates, driveways, parking lots, planters, sidewalks, or walkways which are maintained in a condition that is so defective, unsightly, or in such condition of deterioration or disrepair as to be:
 - (a) A health, fire or safety hazard to occupants of the property, adjacent or nearby properties or the general public; or
 - (b) Visible from a public street, highway or private roadway, and of such a nature or character that it may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of an adjoining or nearby property; or
 - (c) Visible from an adjoining or nearby property, and of such a nature or character that it may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of that adjoining or nearby property from which such condition is visible.
3. Any building or structure with broken, cracked or missing windows or doors, or which is partially destroyed, damaged, abandoned, boarded up, or otherwise dilapidated, as to be:
 - (a) A health, fire or safety hazard to occupants of the property, adjacent or nearby properties or the general public; or
 - (b) Visible from a public street, highway or private roadway, and of such a nature or character that it may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of an adjoining or nearby property; or
 - (c) Visible from an adjoining or nearby property, and of such a nature or character that it may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of that adjoining or nearby property from which such condition is visible; or any building or structure which is permitted to remain in a state of partial or unfinished construction for more than sixty days without a valid building permit being in effect.

4.

Any vacant or abandoned building or structure in which doorways, windows or other openings are not secured or maintained in a manner that would prevent access to the building or structure by members of the public.

5. Building materials, lumber used in construction, rubble, broken asphalt, concrete or similar construction materials visible from a public street, highway, or private roadway or an adjacent or nearby property, which remains for a period of more than sixty days without a valid building permit being in effect so as to be:
 - (a) A health, fire or safety hazard to occupants of the property, adjacent or nearby properties or the general public; or
 - (b) Visible from a public street, highway or private roadway, and of such a nature or character that it may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of an adjoining or nearby property; or
 - (c) Visible from an adjoining or nearby property, and of such a nature or character that it may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of that adjoining or nearby property from which such condition is visible.
6. Except when lawfully stored or displayed in connection with a valid and licensed business, salvage materials, scrap metals, sinks, fixtures, abandoned refrigerators or other appliances that are so defective, unsightly, or in such a condition of deterioration or disrepair as to be:
 - (a) A health, fire or safety hazard to occupants of the property, adjacent or nearby properties or the general public; or
 - (b) Visible from a public street, highway or private roadway, and of such a nature or character that it may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of an adjoining or nearby property; or
 - (c) Visible from an adjoining or nearby property, and of such a nature or character that it may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of that adjoining or nearby property from which such condition is visible.
7. Abandoned, broken, unused, neglected, or unprotected equipment or machinery, remaining on the property for more than thirty days and visible from the public street, highway, or private roadway.
8. The stockpiling of dirt (except as permitted by a grading permit issued under Chapter 15.20) or accumulation of litter, trash, junk, feces or debris on any portion of the property that is unenclosed or semi-enclosed as to be:
 - (a) A health, fire or safety hazard to occupants of the property, adjacent or nearby properties or the general public; or
 - (b) Visible from a public street, highway or private roadway and of such a nature or character that it may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property or materially detrimental to the use and enjoyment of an adjoining or nearby property; or
 - (c)

Visible from an adjoining or nearby property and of such a nature or character that it may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of that adjoining or nearby property from which such condition is visible.

9. Construction debris boxes placed on a public street (except when allowed by an encroachment permit issued pursuant to Chapter 12.08) or on private property when visible from a public street, highway, or private roadway for more than fifteen days while no construction is occurring under a valid permit.
 10. Dead, decayed, diseased or hazardous trees, weeds or vegetation which constitute a fire hazard or threat to the life, health, or safety of the occupants of the property, adjacent or nearby properties, or the general public.
 11. Refuse, debris, and waste materials which by reason of location, size, or character may constitute a fire hazard or threat to the life, health or safety of the occupants of the property, adjacent or nearby properties, or the general public.
 12. Any condition of vegetation overgrowth (including weeds, trees or brush) which:
 - (a) Encroaches into, over, or upon any public right-of-way including, without limitation, streets, alleys, or sidewalks, so as to constitute either a danger to public safety or property or an impediment to public travel; or
 - (b) Because of its size, location, or character constitutes a fire hazard or other threat to the life, health, or safety of the occupants of the property, adjacent or nearby properties, or the general public.
 13. Any property with accumulations of grease, oil or hazardous material on paved or unpaved surfaces, driveways, buildings, walls or fences, or from which any such material flows or seeps onto any public street or other public or private property, or which is likely to seep or migrate into any water body or into the underground water table.
- C. It is the policy of the town that when there are special situations as described by this subsection which may cause or contribute to any of the conditions described by subsection 9.04.030(B) that the town give special consideration to the circumstances surrounding the violation in its abatement and administrative fines proceedings in accordance with the guidelines set forth by this subsection:
1. Definitions. As used by this subsection the following shall apply:
 - (a) "Elderly individual" shall mean an individual over the age of sixty-five (65) years old, and who does not reside with a person that has the physical and/or mental capability to maintain the property where the elderly individual resides in a condition that is not described by subsection 9.04.030(B) of this section.
 - (b) "Disabled individual" shall mean an individual that meets the definition of a person having a physical or mental disability under the California Fair Employment and Housing Act set forth by Part 2.8 of Division 3 of Title 2 of the California Government Code (Government Code Section 12900 et seq.), as it may be amended from time to time, and because of which disability experiences great difficulty in keeping the individual's property free from any condition that is in violation of any of the provisions of subsection 9.04.030(B) of this section.
 - (c) "Low income individual" shall mean, an individual who both owns and occupies a residence that is deemed or alleged to be in violation of any condition described by subsection 9.04.030(B) of this section, and has an income below the highest level of lower income and

contained within, or incorporated by, the Corte Madera Housing Element of the general plan, as it may be amended or modified from time to time.

- (d) "Enforcement officer" shall mean the town manager or designee for proceedings under this chapter, and the citation officer for proceedings under Chapter 9.05.
 - (e) "Hearing board" shall mean the town council for proceedings under this chapter, and the planning commission for proceedings under Chapter 9.05.
2. Upon any person who is in violation of any of the conditions in subsection 9.04.030(B), or any person upon that person's behalf, establishing to the satisfaction of the enforcement officer that he/she is an elderly individual, disabled individual or a low income individual, the town may afford the violator an additional period of time or additional notice to the time and notice provisions established by this chapter or Chapter 9.05 that the officer deems appropriate to remove or correct the conditions that the officer believes to be violated. It is the intent of the town council in adopting this ordinance that the enforcement officer provide a violator that is covered by this section with guidance, suggestions, and an additional opportunity to implement such guidance or suggestions which may better enable the violation to be removed or corrected by the responsible party at its own expense without the need for coercive action to be taken by the town.
 3. If, despite the efforts made by the Enforcement Officer under this subsection 9.04.030(C), the violation continues, then the enforcement officer shall have the discretion to consider the special circumstances giving rise to the violation and its continued existence in determining the fine to be imposed under Chapter 9.05. The enforcement officer shall also have the discretion to waive the deposit of the administrative penalty required by Section 9.05.070(B) if the elderly individual, disabled individual, or low income individual demonstrates a financial hardship in making the deposit.
 4. If the violation becomes a subject of a public hearing under this Chapter or an appeal hearing under Chapter 9.05, and an elderly individual, disabled individual, or low income individual is the owner or other person alleged to be responsible for the violation, the hearing board shall have the discretion to take into consideration the special circumstances giving rise to the violation and its continued existence, in making its determination and abatement orders under this chapter, or reducing or waiving any fines under Chapter 9.05.
 5. The authority provided by this subsection 9.04.030(C) shall be entirely discretionary with the enforcement officer or hearing board, whichever may be applicable. Nothing in this subsection 9.04.030(C) shall create any rights not already provided under any other provision of this chapter, Chapter 9.05, or as may otherwise be provided by state law. Nothing in this subsection 9.04.030(C) shall require the enforcement officer or hearing board, whichever may be applicable, to perform any inquiry or investigation to determine whether a person is qualified under this subsection, and nothing in this subsection is intended to compel any person to provide any information regarding age, disability, or income that the person chooses not to release or volunteer to any member of the town.
 6. Nothing in this subsection 9.04.030(C) is intended to apply to a violation that is deemed or alleged by the town to be a fire, health, or safety hazard to the occupants of the property, adjacent or nearby properties, or the general public.
 - 7.

This subsection 9.04.030(C) is merely a statement of policy. Nothing in this subsection is intended to create a mandatory duty upon the town or any of its members or create a right of action against the town or any of its members.

(Ord. No. 928, § 1(Exh.A), 5-3-2011)

9.04.040 - Notice to abate.

Whenever it is determined that any property within the town is being maintained in a manner that constitutes a public nuisance, the town manager or designee may send written notice to the owner of the property ordering the owner to abate the public nuisance. The written notice shall provide the property owner 30 days to abate the nuisance. A shorter time period may be provided if the nuisance condition represents an immediate threat to the health or safety of the public or to the residents of the property. Service shall be deemed complete at the time notice is personally served or deposited in the mail by first class mail, postage prepaid. Notice shall be mailed to the property address and to the owner and other responsible persons at the address that appears on the last equalized assessment roll, or the supplemental roll, of the county, whichever is more current. Failure of any person to receive notice shall not affect the validity of any proceedings taken hereunder. The town manager or designee may grant extensions of time to complete the abatement if the town manager or designee determines that good cause exists for an extension and such extension will not create or perpetuate a situation imminently dangerous to life or property. Reasonable restrictions may be placed on any extension.

(Ord. No. 928, § 1(Exh.A), 5-3-2011)

9.04.050 - Notice of hearing before the town council.

- A. If the owner of the property fails or refuses to comply with the notice to abate the public nuisance within the time provided by such notice, the town manager or designee shall cause notice of a public hearing before the town council to be given in the manner provided for in this chapter. The hearing date shall be no less than ten days after service of the notice.
- B. The notice shall inform the property owner of the date, time and location of the hearing and shall be substantially in the following form:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the _____ day of _____, at the hour of _____, the Town Council of the Town of Corte Madera shall hold a public hearing in the council chambers located at _____.

The purpose of the hearing is to determine whether the property located at _____ constitutes a public nuisance subject to abatement. You are hereby ordered to appear to show cause why this property should not be declared a public nuisance and the conditions abated in accordance with Chapter 9.04 of the Corte Madera Municipal Code. Failure to appear shall constitute a waiver of your rights to appear and present evidence.

The conditions constituting the nuisance are: _____.

The methods of abatement available are: _____.

If you voluntarily abate the conditions described above, you must advise the Town Manager in writing of the date of completion of such abatement and arrange for an inspection of the property by the town. You may request a continuance of the hearing in writing if, for good cause, the voluntary abatement cannot be completed prior to the hearing date.

If the property is found to constitute a public nuisance, you shall be ordered to abate the conditions constituting the public nuisance by rehabilitation, removal, repair, demolition, or by some other appropriate method.

If the conditions constituting the public nuisance are not abated by the time established by order of the town council, such nuisance may be abated by town authorities and the cost of such abatement made a lien or special assessment on the property.

The hearing procedures and provisions applicable to this nuisance abatement proceeding are set forth by Chapter 9.04 of the Corte Madera Municipal Code which is attached to this notice for your reference.

(Ord. No. 928, § 1(Exh.A), 5-3-2011)

9.04.060 - Posting and service of notice.

The town clerk, or such other town official as may be designated by the town manager, shall serve a copy of the notice of public hearing in the manner and method set forth by Section 9.04.040 and shall cause a copy of the notice to be conspicuously posted on the property. The notice shall be posted and served at least ten days before the date fixed for the public hearing. Proof of posting and service of such notices shall be made by declaration under penalty of perjury filed with the town clerk.

(Ord. No. 928, § 1(Exh.A), 5-3-2011)

9.04.070 - Hearing by the town council.

- A. At the time stated in the notice, the town council shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, persons who reside at the property, town personnel and other interested persons relative to the alleged public nuisance and the abatement of the public nuisance. The hearing may be continued from time to time by the town council.
- B. As soon as practicable following the close of the hearing, the town council shall render a decision by resolution supported by findings. If the town council finds that a public nuisance exists, and there is sufficient cause to order abatement, the town council shall order the abatement of the public nuisance within the time and in the manner set forth in the decision.
- C. The resolution of the town council shall inform the property owner that the time for judicial review is governed by Section 1094.6 of the state Code of Civil Procedure. The resolution and order of the town council shall be final.
- D. A copy of the town council resolution shall be posted on the property and served upon the owner or owners of the property in accordance with the provisions of Section 9.04.040. Upon abatement in full by the owner, confirmation by the town, and the owner's payment of all ordered costs and expenses, the proceedings hereunder shall terminate.

(Ord. No. 928, § 1(Exh.A), 5-3-2011)

9.04.080 - Abatement by the town.

- A. If the nuisance is not abated in the time and manner set forth in the resolution ordering abatement, the town manager or designee shall cause the nuisance to be abated by town forces or by private contractor. The town attorney is authorized to take such action as may be necessary to gain entry upon the property for purposes of abating the public nuisance.

(Ord. No. 928, § 1(Exh.A), 5-3-2011)

9.04.090 - Confirmation of abatement costs

- A. The town manager or designee shall keep an itemized report showing the full costs of abatement. Such costs shall include the cost of identifying, declaring and abating the public nuisance and shall include inspection costs, investigation costs, costs to repair and abate the conditions constituting the public nuisance and the costs of levying an abatement lien or special assessment on the property. The costs shall also include attorneys' fees if elected by the town as provided for in Section 9.04.010C.
- B. The town manager or designee may invoice the property owner for the full costs of abatement. If full payment is not received within fifteen days of the date the invoice was mailed to the property owner, the town manager or designee shall forward an itemized report in writing to the town clerk specifying the full costs of abatement. The town clerk shall set a hearing before the town council so that the council can determine the correctness and reasonableness of the abatement costs. The town clerk shall cause a copy of the itemized report, with notice of the town council hearing, to be posted on the property and served on the owner of the property in the manner required by Section 9.04.040, at least ten days before the date set for the hearing.
- C. At the time and place fixed for the hearing, the town council shall consider the itemized report together with any objections or protests. The town council may revise, correct or modify the itemized report, and shall confirm the itemized report as revised, corrected or modified, by resolution. The decision of the town council shall be final and conclusive.
- D. The town may collect its full costs of abatement as set forth in the itemized report confirmed by council resolution from the responsible person or persons identified in the resolution in any manner authorized by law including: (1) recording a nuisance abatement lien against the property on which the public nuisance was maintained; or (2) imposing a special assessment against the property on which the public nuisance was maintained.

(Ord. No. 928, § 1(Exh.A), 5-3-2011)

9.04.100 - Nuisance abatement lien.

- A. Before recording a nuisance abatement lien against the property on which the public nuisance was maintained, the town manager or designee shall give notice to the owner of record. The notice of lien shall be served on the owner at the address that appears on the last equalized assessment roll, or the supplemental roll, whichever is more current. The notice shall be served in the same manner as a summons in a civil action in accordance with sections 415.10 et seq. of the state Code of Civil Procedure. If the owner of record after diligent search cannot be found, notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days, and by publication thereof in a newspaper of general circulation published in Marin County, pursuant to Government Code section 6062.
- B. The nuisance abatement lien shall be recorded in the Marin County Recorder's Office and from the date of recording shall have the force, effect and priority of a judgment lien.
- C. The nuisance abatement lien shall specify the amount of the lien; that the lien is imposed on behalf of the Town of Corte Madera; the date of the abatement order as set by the town council; the street address, legal description and assessor's number of the parcel on which the lien is imposed; and the name and address of the recorded owner of the parcel.
- D. In the event the lien is discharged, released or satisfied, either through payment or foreclosure, the town shall record a notice of discharge containing the information specified in subparagraph C above.
- E.

The nuisance abatement lien may be foreclosed by the town in an action for a money judgment. As part of its foreclosure action, the town may recover its costs incurred in processing and recording the lien and in providing notice to the property owner.

(Ord. No. 928, § 1(Exh.A), 5-3-2011)

9.04.110 - Special assessment.

- A. As an alternative to recording a nuisance abatement lien, the town may make the cost of abatement a special assessment against the property on which the nuisance was maintained. After adoption of the resolution by the town council pursuant to Section 9.04.090, a copy of the resolution shall be transmitted to the tax collector. It shall be the duty of the tax collector to add the full amount of the abatement costs to the next regular bill of taxes levied against the property. The abatement costs shall be collected at the same time and same manner as ordinary municipal taxes and shall be subject to the same penalties and procedure for foreclosure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment.
- B. Notice shall be given by certified mail to the property owner if the property owner's identity can be determined from county assessor or county recorder records. Notice shall be given at the time of imposing the assessment and shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice.

(Ord. No. 928, § 1(Exh. A), 5-3-2011)

9.04.120 - Order for treble costs of abatement.

Upon entry of a second or subsequent civil or criminal judgment within a two year period finding that an owner of property is responsible for a condition that may be abated in accordance with this chapter, except conditions abated pursuant to Health and Safety Code section 17980, the court may order the owner to pay treble the costs of the abatement.

(Ord. No. 928, § 1(Exh. A), 5-3-2011)

9.04.130 - Summary abatement.

- A. Notwithstanding the provisions of this chapter, whenever the town manager or designee determines that a public nuisance as defined in this chapter or in any other applicable law, constitutes an immediate threat or hazard or danger to persons or property, the town manager or designee may institute the following procedures.
- B. The town manager or designee shall attempt to make contact by personal interview, telephone or any other manner with the owner of the property or the person occupying or otherwise in real or apparent charge and control of the property. If such contact is made, the town manager or designee shall notify such person of the danger involved and require that such condition be immediately abated so as to prevent harm to persons and property.
- C. In the event the town manager or designee is unable to make contact, or if after notification, the person or persons contacted do not take the action specified by the town manager or designee to abate the public nuisance in the period provided by the town manager or designee, then the town manager or designee shall abate the public nuisance with the use of town forces or a contractor retained by the town.

D.

The town manager or designee shall keep an itemized account of the costs incurred by the town in abating the public nuisance. Such costs may be recovered by the town as provided for in Section 9.04.090D.

(Ord. No. 928, § 1(Exh. A), 5-3-2011)

ATTACHMENT 2

RECORD OF COMPLAINTS AND RESPONSES (PARTIAL)



Town of Corte Madera

COMPLAINT FORM

Please fill out numbers 1-5, and sign:

1. Address of problem: # 614 Oakdale Ave. Corte Madera

2. Nature of problem/complaint: Property next door w/ debris
(see attached) + hazardous
flammable materials -

Note: Roger Spring has been informed
& has noted the concerns re: the
amount of yard debris -
- also - we have been advised by a local contractor
to note the structural safety issues re: 614

3. Complainant's name: _____

4. Address: _____

5. Phone number: _____

Signature

Date
3/4/05

For staff use:

Comments:

Recommendation:



Town of Corte Madera

300 TAMALPAIS DRIVE AT WILLOW AVENUE
CORTE MADERA, CA 94925-1418

May 3, 2005

Corte Madera, CA 94925

Dear

I am writing in response to your concerns regarding your neighbor's property, located at 614 Oakdale Avenue. The Town has endeavored to address your concerns by conducting several inspections from the street as well as from adjacent properties, including your residence. Planning staff, the County Health Inspector, and the Fire Marshall have been able to draw conclusions based on off-site inspections. Unfortunately, on-site inspections have been precluded because the property owner has not permitted staff to enter the property. As you are aware from previous discussions, the County Health Inspector has not been able to document putrefying material, rodent harborage, or other health hazards on the property. Most recently, the Fire Marshall inspected the property on May 3, 2005, and has reiterated his previous determination that the material in the yard does not constitute a fire hazard. Therefore, there is insufficient evidence at this time to indicate that the current condition of the property located at 614 Oakdale Avenue results in a health or safety hazard.

Unfortunately, the Town does not have an ordinance that covers the type of property maintenance issue that is evident on your neighbor's property. Lacking an enforceable regulation, we are not able to compel the property owner or the tenant to correct this unsightly situation. While we are not able to help you today with this aggravating problem, you may want to know about some upcoming changes to the Town's regulations. On May 9 at 7:00 p.m. the Town Council will hold a public workshop on the draft General Plan. State law requires every town to maintain and update a General Plan to guide the community's growth and development. As such, the General Plan is the basis of all of the Town's property regulations. If you would like to see the Town develop a property maintenance ordinance, the General Plan would be a good place to start. If the Plan called for the preparation of such an ordinance, the Town Council would ultimately fund such a project and direct staff to proceed.

Frankly, communities the size of Corte Madera usually do not have property maintenance ordinances because they are expensive to enforce. However, the Town Council is very anxious to hear from the public about the types of issues to be addressed in the General Plan, and they will try to respond to issues that have broad public support.

If you would like to learn more about our project to update the General Plan, please feel free to call me at (415) 927-5066. You can see a recent draft of the Plan at <http://www.ci.corte-madera.ca.us/> on the internet.

Sincerely,



Robert J. Pendoley
Planning Director / Assistant Town Manager

Cc: Mayor and Town Council
Town Manager

RECEIVED

JAN 18 2007



Town of Corte Madera

DATE RECEIVED ___/___/___ TOWN OF CORTE MADERA

300 TAMALPAIS DRIVE AT WILLOW AVENUE
P.O. BOX 159, CORTE MADERA, CA 94925-0159

COMPLAINT FORM

(This form may be used by individuals to report alleged Town code violations, Title 24 access violations, etc.)

HOW TO FILL OUT THIS FORM: THE COMPLAINANT (PERSON MAKING THE COMPLAINT) SHOULD ANSWER ALL QUESTIONS IN THE UNSHADED AREAS.

ADDRESS OF PROBLEM: 614 Oakdale Ave

OWNER OF RECORD: _____

NATURE OF PROBLEM/COMPLAINT:

Barbara Case @ 614 Oakdale Ave
has a massive amount of debris on
her front yard, the house is in ill repair.
old cars with expired tags (1970's) are
in the driveway. The vehicles are filled
with debris. The house is unsightly in ill
repair + hurting the value + integrity
of our property + neighborhood.

COMPLAINANT--DO NOT WRITE IN SHADED AREA--SKIP TO UNSHADED AREA BELOW

STAFF COMMENTS:

STAFF RECOMMENDED CORRECTION:

COMPLAINANT'S NAME: _____
ADDRESS: _____
TELEPHONE NO.: _____

SI _____ MAKING COMPLAINT

DATE OF COMPLAINT 1/18/07

* Note: We have offered to remove the debris -

9 March 2012

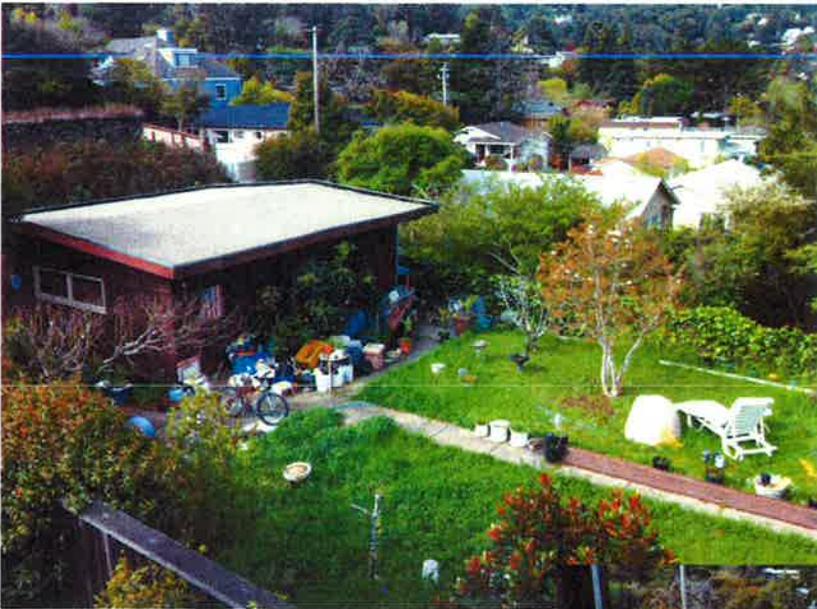
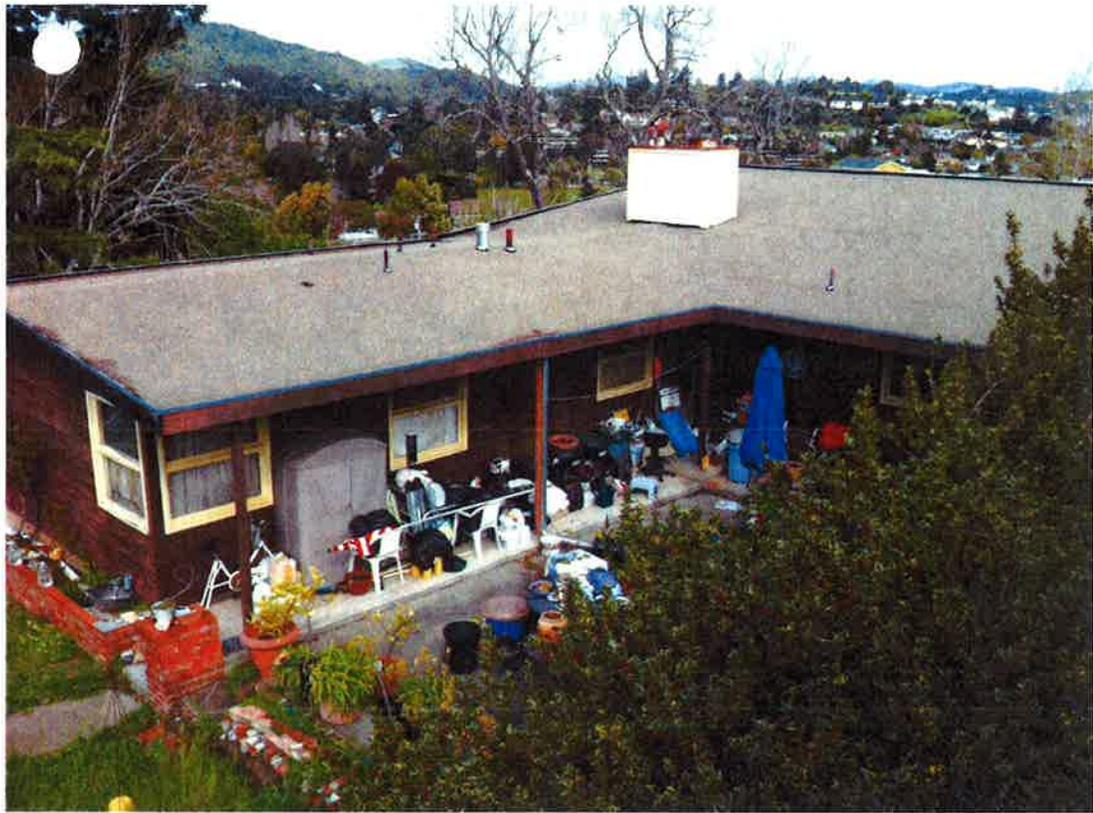
To: Town of Corte Madera, Planning Commission
From: 618 Oakdale Ave.
Corte Madera, Calif. 94925
Re: Barbara Case property at 614 Oakdale Ave. Corte Madera
"Property is blight to the neighborhood"

This is a formal request for the town of Corte Madera to assess, and determine whether the property at 614 Oakdale Ave. Corte Madera, 94925, owned by Barbara Case meets the criteria for failing to comply with the town ordinance regarding failure to be in compliance with maintaining her property. It is our contention as property owners, next door (618 Oakdale Ave.) that Barbara Case is creating a blight to the neighborhood, and is a nuisance. Her property is littered with debris, wire bales, multiple plastic garbage bags, garbage cans, and an overall unsightly property that is hurting the value of our property.

Please evaluate, and report back to us your findings ASAP.

Thank you.

TOWN OF CORTE MADERA
MAR 15 2012
RECEIVED
MAR 15 2012
TOWN OF CORTE MADERA



3/19/12

August 30, 2012



THE TOWN OF
CORTE MADERA
CLAREN COUNTY CALIFORNIA

300 TAMALPAIS DRIVE
CORTE MADERA, CA
94925-1418

www.ci.corte-madera.ca.us

TOWN MANAGER
TOWN COUNCIL
415-927-5050

TOWN CLERK
415-927-5086

FINANCE / BUS. LICENSE
415-927-5055

FIRE DEPARTMENT
415-927-5077

PLANNING / ZONING
415-927-5064

BUILDING INSPECTOR
415-927-5062

TOWN ENGINEER
PUBLIC WORKS
415-927-5057

RECREATION DEPARTMENT
415-927-5074

SANITARY DISTRICT NO. 2
415-927-5057

TWIN CITIES POLICE AUTHORITY
415-927-5150

Ms. Barbara Case
PO Box 708
Corte Madera, Ca. 94976-0708

RE: Nuisance Ordinance and Property Maintenance Clearance

Dear Barbara:

On July 24, 2012, this office sent you a NOTICE TO ABATE A PUBLIC NUISANCE, i.e. a NOTICE to clean up unsightly storage of containers, miscellaneous items, debris, etc. at 614 Oakdale Avenue that was visible from adjoining properties and visible from the public right-of-way. The authority to require abatement of a Public Nuisance is provided under Chapters 9.04 and 9.05 of the Town of Corte Madera Municipal Code.

On August 29, 2012, I inspected your property to determine whether the Nuisance had been abated satisfactorily or whether review of this matter should be scheduled for a public hearing before the Corte Madera Town Council as authorized in Chapter 9.04.

I am happy to report that it is my determination that you have voluntarily and satisfactorily cleaned up the Nuisance items identified in the July 24, 2012 NOTICE and no further action will be taken by this office.

Please continue to be diligent and mindful of maintaining your property in a manner that is respectful of your neighbors and consistent with the high maintenance standards set by your neighbors.

Sincerely,

Dan Bell, Planning Director

cc: Property Address; 614 Oakdale Avenue
Town Council Members
Planning Commissioners

Sept 21, 2012

To: Town of Corte Madera, Town Manager and Planning Commission

From:

RECEIVED

SEP 24 2012

TOWN OF CORTE MADERA

Re: **Barbara Case property @ 614 Oakdale Ave. Corte Madera, Ca. 94925**

This is a formal complaint regarding the ongoing blight and overall unsightly nature of the property next door to our property. #614 Oakdale is hurting the value of our property. Barbara Case continues to fail to meet the criteria for what constitutes a clean, and intact property as stated in the town ordinance. As we noted in our letter of March, 9, 2012 there were multiple competing issues constituting failure to comply with the code. Debris has been removed but the unsightly "absence of a window" on the house that is covered with "cardboard, and taped with blue tape" is fully visible from our property, and is in full view from our property. There is also a broken fence with multiple broken slats on the front of the property.

It is our ongoing request that the issue of the **absent window that is "card board and tape"** be addressed immediately. **The broken fence must be addressed.** This was part of our complaint made in March 2012, and falls under the issue of overall unsightly nature of the property. It is a Nuisance that such a blight exists in this neighborhood, and it is wrong that our property value has suffered. It is particularly wrong that the planning director has failed to act in a timely manner to address each and every issue. Garbage and visible structural abnormality have been the complaint, and the Nuisance is ongoing.

Further, it is not our responsibility to negotiate on any level as the Planning Director has previously suggested with Ms. Barbara Case. There is a TAPED and ABSENT window that is in full view from our property. Further there is a kitchen sink leaning against the house exterior, and that is inappropriate, and a blight, and constitutes lack of compliance with the ordinance. There is not an outdoor kitchen on the property.

It is our contention that the town has a responsibility to act in a timely manner, and to address the issues that have been set in the ordinance, and to enforce it. Our attempts at addressing the issue of the blight to our neighborhood were initiated in 2005, and with a formal ordinance now in place we expect the town to enforce it.

TOWN OF CORTE MADERA MEMORANDUM

Planning & Building Department

Date: November 19, 2012

To: Files

From: Dan Bell, Planning Director Town of Corte Madera

Re: Property Maintenance at 614 Oakdale Avenue

Photos below show repair of broken window on front (south) elevation of house and clean-up of items along the front porch as of November 19, 2012. Owner will paint-out window trim within a month.



Dan Bell

From: Dan Bell
Sent: Tuesday, April 29, 2014 5:05 PM
To:
Subject: RE: 614 Oakdale Ave. Corte Madera repeat violation

I am meeting with Barbara Case on Friday afternoon 5/2/14 to enter and inspect her property. I suspect, on Monday 5/5/14 I will be mailing her a 30-Notice per Section 9.04.040 of the Municipal Code to abate the nuisance. Dan Bell, Planning Director

From:
Sent: Tuesday, April 29, 2014 3:21 PM
To: Dan Bell
Subject: 614 Oakdale Ave. Corte Madera repeat violation
Importance: High

Dear Mr. Dan Bell :

We reside next door to Ms Barbara Case – 514 Oakdale Ave. Corte Madera, Ca. 94925.

This is in follow-up to a formal telephone request (note: 4/28/2014) to ***PLEASE*** revisit the issue of a repeat violation to Muni Code Section 9.04.030. Her property/grounds are being maintained in a condition that is grossly unsightly with outdoor storage of paper, boxes, containers and

a stolen Safeway shopping cart on the driveway in full neighborhood view. Additionally her garage has white washing streaked across the anterior BROWN façade. This causes a further unsightly presentation in the neighborhood.

We are requesting that she be intervened upon immediately as our most recent mortgage appraisal specifically notes her property as a blight.

We are planning to re-finance ASAP and this must not prevent us from appreciating the full value of our property. If necessary, we ask that the town council revisit how to better deal with this property owner.

In 2012 she was given months rather than the stipulated 30 days in the Planning and Bldg Dept Municipal Code Section to clean up the mess on her property, and this we ask must not occur again.

As code abiding citizens we are disconcerted by this position of the town disregarding the code and ask that the clean-up be taken care of within 30 days from the time of notice.

Sincerely,

TOWN OF CORTE MADERA
PLANNING & BUILDING DEPARTMENT
PHONE: (415) 927-5064

NOTICE TO ABATE A PUBLIC NUISANCE

Violation of Municipal Code Section 9.04.030

Description of Violation: The property grounds are maintained in condition the is unsightly with a partially painted front garage door, outdoor storage of various unrelated items, containers, overgrown vegetation, unkempt lawn and general debris visible from the street and in particular at the front entrance to the residence and in such condition to be visible from an adjoining or nearby property, and of such a nature or character that is may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of that adjoining or nearby property from which such condition is visible.

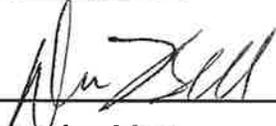
Address of Violation: 614 Oakdale Avenue

Mailing Address(es): 614 Oakdale Avenue Corte Madera, Ca. 94925

P.O. Box 708 Corte Madera, Ca. 94976-0708

Date of Mailing: May 5, 2014

Mailed By: Dan Bell **Title:** Planning Director

Signature: 

Date correction required by: June 5, 2014

Continuing or repeat violations of this chapter are prohibited. This violation must be corrected within 30 days and by the date specified within this NOTICE. If the violation is not corrected within the time provided, or recurs after the expiration of the date specified in this NOTICE, a public hearing before the Town Council will be scheduled and conducted per Section 9.04.070 of the Corte Madera Municipal Code. If the Town Council finds a Public Nuisance exists, it shall order abatement. The Town Council may give special consideration to the abatement order for elderly, disabled or low-income individuals. If the Public Nuisance is not abated in the time and manner set forth by the Town Council, the Town may cause Public Nuisance to be abated by Town forces and collection of the full cost of abatement shall be authorized by the Town Council by recording a Nuisance Abatement Lien per Section 9.04.100 against the property or a Special Assessment Lien per Section 9.04.110 against the property.

Photos taken June 5, 2014

Front garage door paint completed. Interior yard was found to be in an acceptable condition.

Dan Bell, Planning Director



Subject: RE: 614 oakdale ave

Importance: High

Dear

You will find that I have outlined pretty clearly what my husband and I are asking for with respect to the town code on property management....

If you have any further questions, feel free to speak with me directly. I would ask that you respect our preference that you NOT insite this person by giving her our name- The complaint is based on code and violation there-of.

I am somewhat perplexed as to why you have not elected to see the property as it so exists now... **What is the timeline that you have given Barbara to clean up the mess, get the Safeway cart off the sidewalk, Newspapers, and other debris from the front walkway ??** There are clear parameters in the code. How will the town adhere to, and enforce the code in this instance ?

This is the repeat of an ongoing problem, and I intend to hold the town to its responsibility.

Thanks again.

From:

Sent: Wednesday, January 07, 2015 1:44 PM

To: 'awolff@tcmmail.org'

Subject: Barbara Case property- 614 Oakdale Ave

Importance: High

Dear Adam,

This is in follow-up to our recent telephone conversation re: 614 Oakdale.

As I expressed via the telephone in October 2014 when we also spoke, the problem with this home-dweller has escalated to the degree that she is living outside of the house and sleeping on her front walkway. The concern that we as the owner's next door have is that this represents the ongoing and previous complaint of her abuse of the property, and that she is a Nuisance and Blight to our community/neighborhood. Her unsightly property has been determined in the past to be in Violation of the Municipal Code Section 9.04.030. The unsightly mess is present again. There are plastic tubs on the front lawn, garbage and newspapers strewn at the property entrance.

As property owners next door (618 Oakdale) we are concerned that she is living out of doors in January, and in inclement weather because her dwelling is not habitable. We acknowledge that it is her right to live as she chooses on her property, BUT, not when there is a code violation-possible fire and housing.

If there were a fire, we would be harmed. WE request immediate review of the internal area of the house that represents squalor and possible code violation because of fire hazard.

Her violation of the code is also hurting the value of our property, and is not in harmony with the surrounding homes/properties as stated in the code to be in compliance.

Please enforce the code as requested via the telephone.

Thank you, and regards,

From: Adam Wolff [<mailto:awolff@tcmmail.org>]
Sent: Tuesday, January 20, 2015 10:09 AM
To:
Subject: RE: 614 oakdale ave

Hi

I spoke with Barbara last week at length and she is going to give me a time when she is available to meet at her property. I will get Roger Sprehn up there as well. In the meantime, I would like to know from you what specifically you believe constitutes the nuisance (ie. what physically should be cleaned up). As we discussed, I cannot address her sleeping outside and "moaning" on her property as part of the nuisance ordinance, although I did mention to her that this was of concern to you. You also mentioned in your message that you spoke with adult protective services. I'd be happy to discuss what the result of that conversation was when you have a chance.

Best,
Adam

ADAM WOLFF, AICP
Director, Planning and Building
Town of Corte Madera
415.927.5059
awolff@tcmmail.org

From:
Sent: Friday, January 16, 2015 4:47 PM
To: Adam Wolff
Subject: 614 oakdale ave

Dear Aaron,

I have tried to connect with you this past week, and was hoping you had learned what the next best steps were in dealing with the Barbara Case issue next door to our home. I would like to ask that you please have the fire inspector, and also please re-activate the code that requires her to clean up her property.

It is in full view of our household, and disgusting. She has spent the last few nights sleeping outside coughing and moaning- this problem is causing our household great discomfort, not to mention we have a "house guest visiting". Please respond as soon as possible to our concerns.

Thank you

Adam Wolff

From: Adam Wolff
Sent: Monday, February 02, 2015 11:28 AM
To:
Subject: RE: 614 oakdale ave

Hi
I've scheduled a site visit with our fire chief Roger Sprehn on Wednesday. I was originally scheduled to visit on Friday, but Barbara cancelled. Nonetheless, I dropped off the public nuisance ordinance for Barbara to review prior to our rescheduled meeting. As you probably know it has been somewhat of a challenge to nail down a time with her, but going onto her property is the only way we can advance your complaint. As I mentioned before, I'm also happy to come meet you at your property to better understand the view from there. I will follow up with you after Wednesday.

Best,
Adam

ADAM WOLFF, AICP
Director, Planning and Building
Town of Corte Madera
415.927.5059
awolff@tcmmail.org

From:
Sent: Monday, February 02, 2015 10:54 AM
To: Adam Wolff
Subject: RE: 614 oakdale ave
Importance: High

Dear Adam,
What is the action plan to clean the property that is in full view of ours, and not in harmony with ours. This property owner constitutes a nuisance, and is continuing to hoard on the front walkway. This individual continues to sleep on the walkway in full view of us. It is unsightly mess that is in full view of our property.
There is a ordinance, and we have asked that this be enforced what is a blight, and nuisance to us.

Please respond to my email which was a formal request for action.
Best regards,

This is our formal request previously sent for intervention based on the ordinance – to date there has not been a response.

Dear Adam,
This is in follow-up to our recent telephone conversation re: 614 Oakdale.
As I expressed via the telephone in October 2014 when we also spoke, the problem with this home-dweller

has escalated to the degree that she is living outside of the house and sleeping on her front walkway. The concern that we as the owner's next door have is that this represents the ongoing and previous complaint of her abuse of the property, and that she is a Nuisance and Blight to our community/neighborhood. Her unsightly property has been determined in the past to be in Violation of the Municipal Code Section 9.04.030. The unsightly mess is present again. There are plastic tubs on the front lawn, garbage and newspapers strewn at the property entrance.

As property owners next door (618 Oakdale) we are concerned that she is living out of doors in January, and in inclement weather because her dwelling is not habitable. We acknowledge that it is her right to live as she chooses on her property, BUT, not when there is a code violation-possible fire and housing. She is in full view of us, and it is a major nuisance to view from our home !

If there were a fire, we would be harmed. WE request immediate review of the internal area of the house that represents squalor and possible code violation because of fire hazard.

Her violation of the code is also hurting the value of our property, and is not in harmony with the surrounding homes/properties as stated in the code to be in compliance.

Please enforce the code as requested via the telephone.

From: Adam Wolff [<mailto:awolff@tcmmail.org>]

Sent: Wednesday, January 21, 2015 11:58 AM

To:

Subject: RE: 614 oakdale ave

Hi

I did visit the property immediately after we spoke earlier this month – Monday, January 5th. On my visit, I did not enter the property and from the street, did not see anything that in my view, constituted a public nuisance. There was a pickup truck with a lot of paper and other material in the front seat in the driveway, the garage was not an eyesore, there were holiday lights on the front fence, and the weeds were somewhat overgrown in front of the fence.

I did not see the Safeway cart or plastic tubes, and did not see the garbage and newspapers strewn at the property entrance. Nonetheless, I asked Barbara last week to give me a time when I could visit the property to get a better look at property conditions as viewable from your property. I do not have a time yet, but will follow up this week. Based on the history here, Barbara is aware of where the current complaints are coming from. I'd be happy to walk through the process after I have a chance to enter her property and view the issues you mention.

Best,
Adam

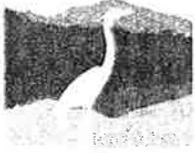
ADAM WOLFF, AICP
Director, Planning and Building
Town of Corte Madera
415.927.5059
awolff@tcmmail.org

From:

Sent: Wednesday, January 21, 2015 9:42 AM

To: Adam Wolff

February 12, 2015



THE TOWN OF
CORTE MADERA
SARIN COUNTY, CALIFORNIA

300 TAMALPAIS DRIVE
CORTE MADERA, CA
94925-1418

www.ci.corte-madera.ca.us

TOWN MANAGER
TOWN COUNCIL
415-927-5050

TOWN CLERK
415-927-5056

FINANCE / BUS. LICENSE
415-927-5055

FIRE DEPARTMENT
415-927-5077

PLANNING / ZONING
415-927-5064

BUILDING INSPECTOR
415-927-5062

TOWN ENGINEER
PUBLIC WORKS
415-927-5057

RECREATION DEPARTMENT
415-927-5072

SANITARY DISTRICT NO. 2
415-927-5057

TWIN CITIES POLICE AUTHORITY
415-927-5150

Ms. Barbara Case
614 Oakdale Avenue
Corte Madera, CA 94925

Subject: Complaint and Follow Up Regarding Property Maintenance

Dear Ms. Case:

As you know, the Town, through its Planning Department, has received a complaint regarding the condition of your property and a request has been made that the Town enforce the provisions of CMMC 9.04 (Nuisances). When we met at your house on February 4, 2015, I provided you with a copy of this section of the municipal code. Section 9.04.030(B) describes the property conditions that constitute a public nuisance, section 9.04.030(C) describes Town policy with respect to special considerations for "elderly," "disabled," or "low income" individuals as defined therein, and sections 9.04.040 – 9.04.130 describe the process the Town follows to make a determination of a public nuisance and abate such nuisance if it is found that a public nuisance exists. I am happy to answer any questions you may have related to this section of the municipal code.

Pursuant to Section 9.04.040, "Whenever it is determined that any property within the town is being maintained in a manner that constitutes a public nuisance, the town manager or designee may send written notice to the owner of the property ordering the owner to abate the public nuisance." In order to respond to the complainant, and to make an informed determination, I visited your property on two occasions. The first visit occurred on January 5, 2015, and consisted of viewing the property from the public street. Photos from that site visit are attached to this letter (Attachment 1). The second visit occurred on February 4, 2015, and consisted of a site inspection of the exterior portions of the property, with your consent, and a conversation with you regarding the complaint and the contents of items within view of the adjacent property to the east. Roger Sprehn, the Town's Fire Chief, accompanied me on this visit. Photos from that visit are also attached to this letter (Attachment 2).

Based on the information obtained from these visits, it is my view that a public nuisance does not exist at your property *at*



THE TOWN OF
CORTE MADERA
MARIN COUNTY, CALIFORNIA

300 TAMALPAIS DRIVE
CORTE MADERA, CA
94925-1418

www.ci.corte-madera.ca.us

TOWN MANAGER
TOWN COUNCIL
415-927-5050

TOWN CLERK
415-927-5086

FINANCE / BUS. LICENSE
415-927-5055

FIRE DEPARTMENT
415-927-5077

PLANNING / ZONING
415-927-5064

BUILDING INSPECTOR
415-927-5062

TOWN ENGINEER
PUBLIC WORKS
415-927-5057

RECREATION DEPARTMENT
415-927-5072

SANITARY DISTRICT No. 2
415-927-5057

TWIN CITIES POLICE AUTHORITY
415-927-5150

this time. Roger Sprehn has informed me that he found no extraordinary fire or safety hazard on the premises. Additionally, I have reviewed Section 9.04.030(B) and believe that the property is not so unsightly, in a state of deterioration or disrepair, or has accumulated litter, trash, or junk, "of such a nature or character that it may reasonably be concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property."

I would note, however, that my determination is based, in part, on the information you provided during our visit on February 4, 2015, about the temporary nature of many of the items (predominantly paper and plastic bags) in the walkway leading to your front door. You mentioned these items, shown in the attached photos (Attachment 2), were in transition. As such, please let me know when you expect you will be able to remove those items from your walkway so I can return and document their removal. I would also suggest that you try to keep other larger items (bins, garbage containers, etc...) from view of adjacent properties as much as is practicable in order to avoid future complaints to the Town. Please feel free to contact me if you have any questions about the information in this letter.

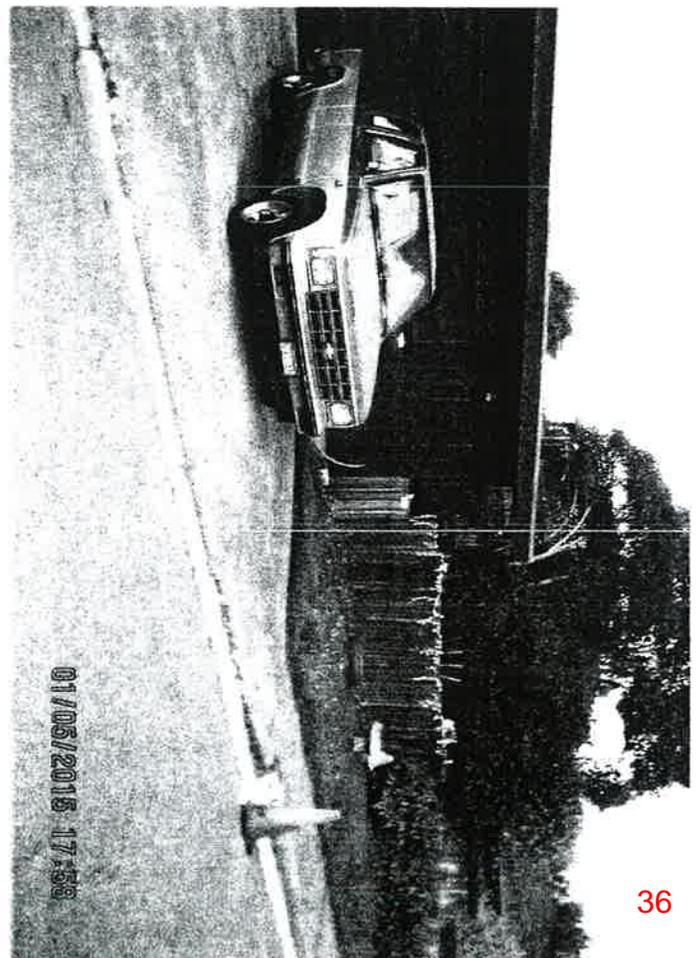
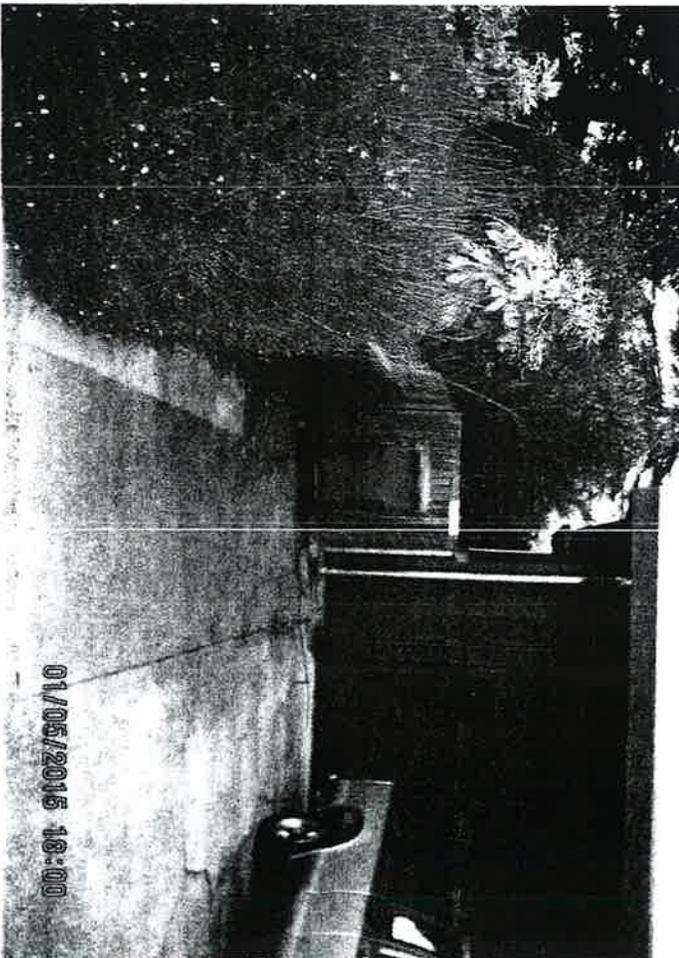
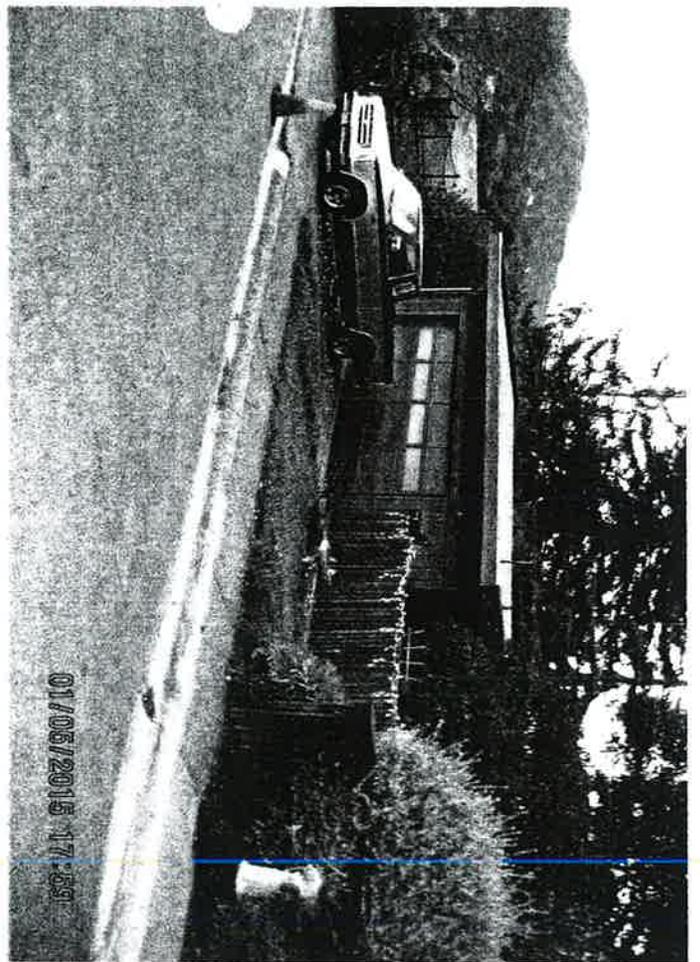
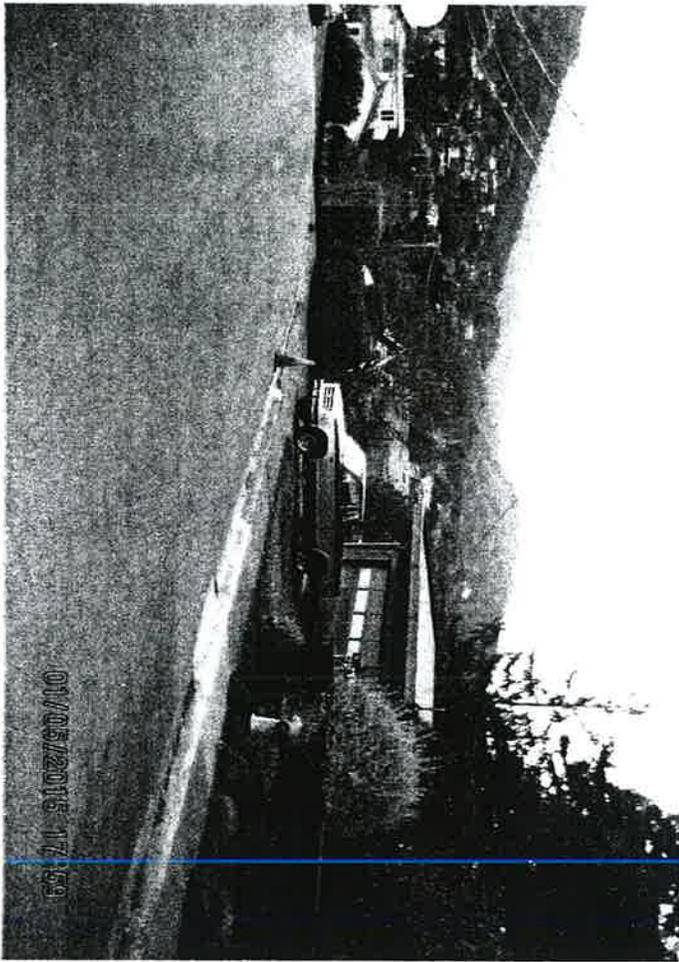
Sincerely,

Adam Wolff
Director, Planning and Building
(415) 927-9059
awolff@tcmmail.org

cc: David Bracken, Town Manager
Roger Sprehn, Director of Emergency Services
Address File: 614 Oakdale Ave.

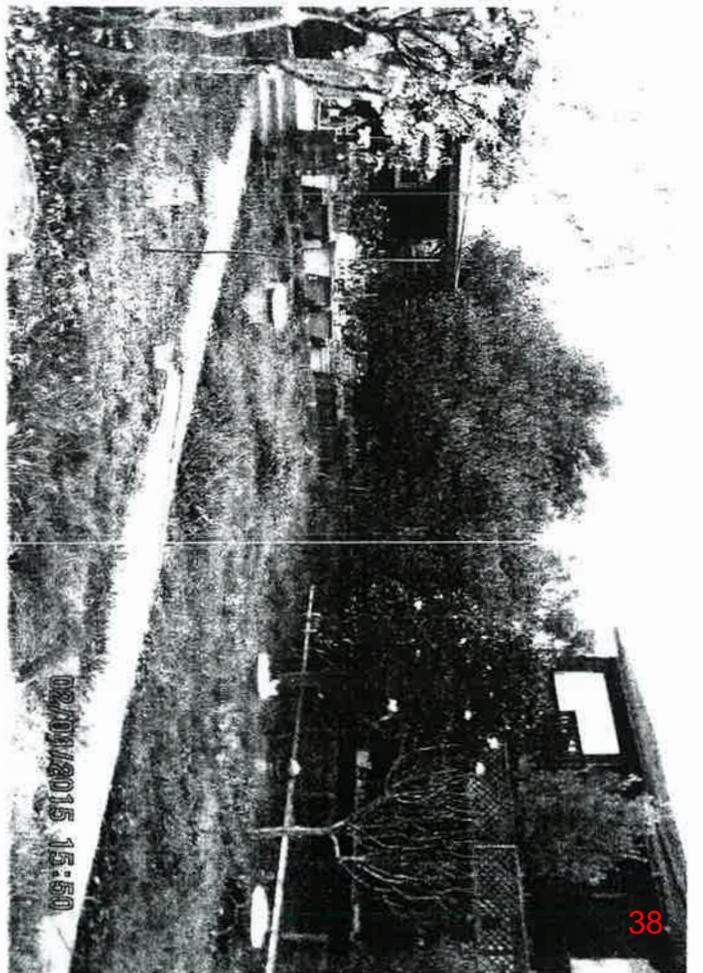
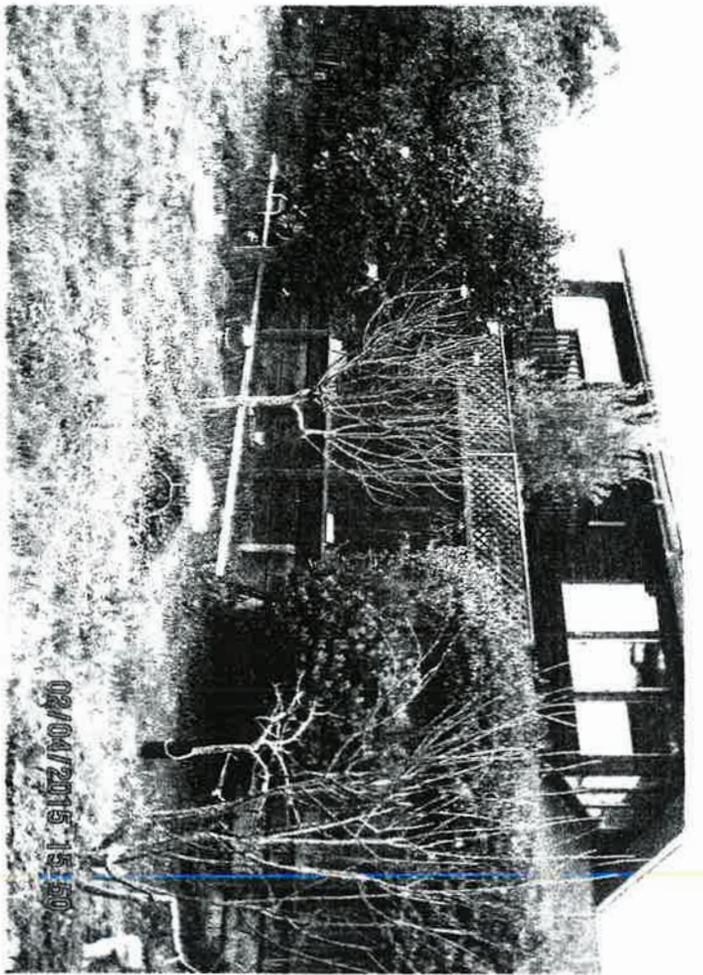
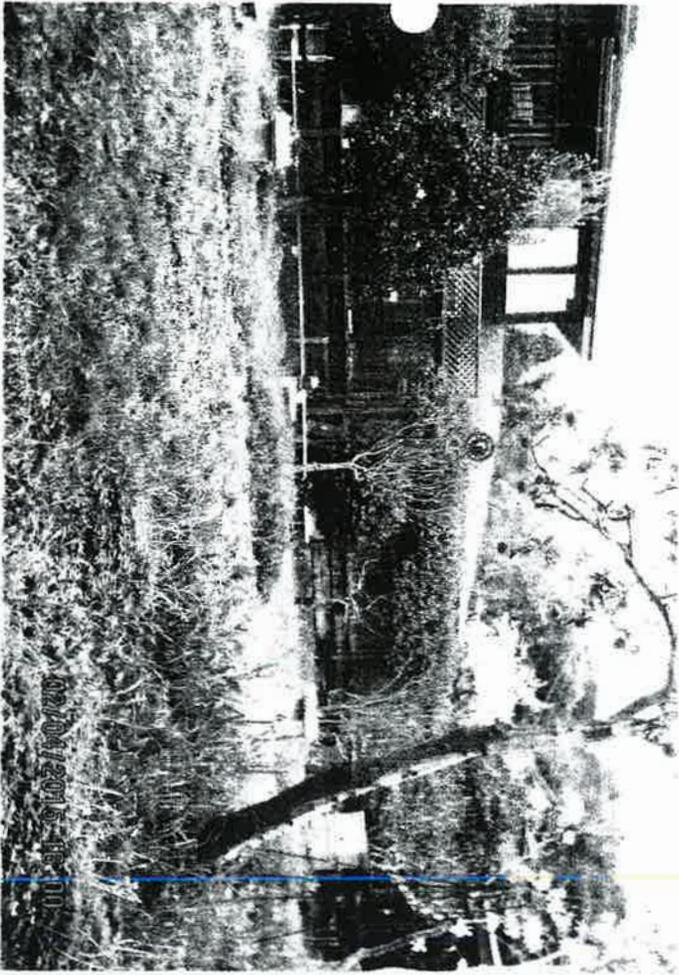
ATTACHMENT 1

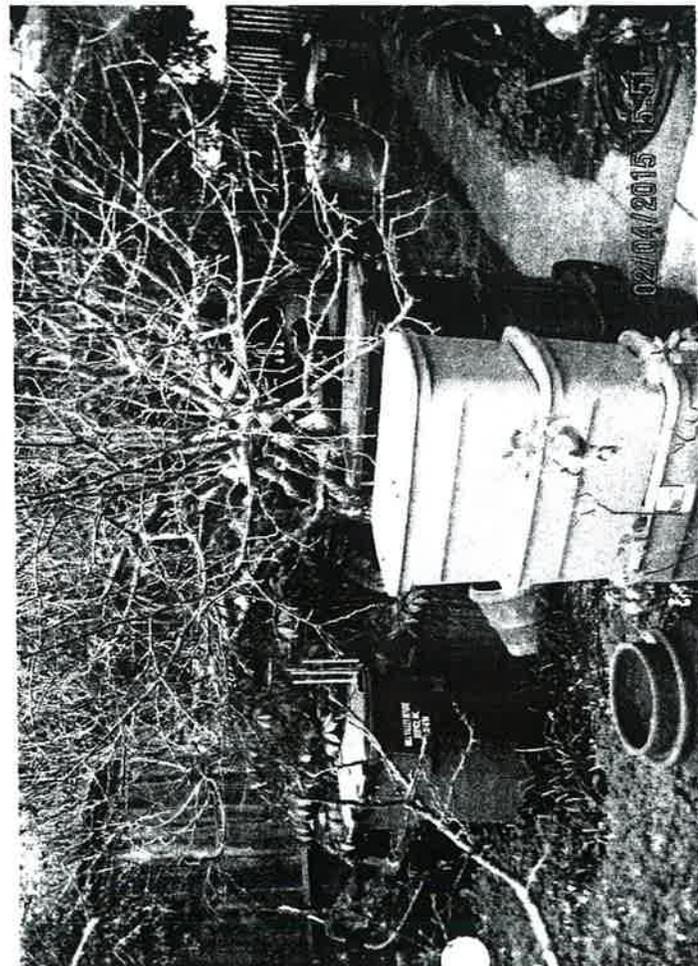
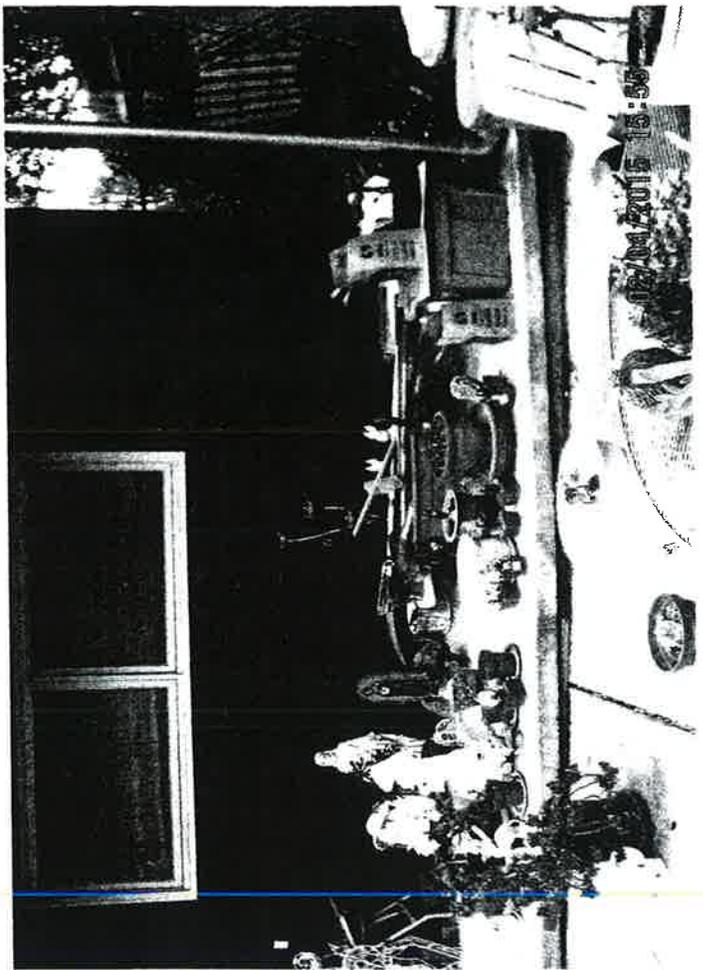
PHOTOS FROM JANUARY 5, 2015 SITE VISIT



ATTACHMENT 2

PHOTOS FROM FEBRUARY 4, 2015 SITE VISIT





From: Rebecca Vaughn
Sent: Monday, October 05, 2015 11:17 AM
To: David Bracken; Roger Sprehn; Adam Wolff
Subject: RE:

Hello All - I received another voice mail on the office main line (Directed to David), as well as several photos (attached) and a text message from _____, stating that the situation with her neighbor is worsening. She is still threatening legal action if the Town does not respond to her.

This was her text message:

Hi Rebecca - This is the on going view from my family room next door to 614 Oakdale- I know you have been in communique w David Bracken, but to date there has been no follow-up with us who are bearing the burden of this terrible blight & fire hazzard- thank you,

Thank you,
Rebecca

From: Rebecca Vaughn
Sent: Tuesday, September 15, 2015 3:27 PM
To: Roger Sprehn
Cc: Adam Wolff; David Bracken
Subject: FW:

Hi Roger - I'm just forwarding this to you because _____ on Oakdale has called for a third time today to see if either you, Adam or David could go drop in and check on this blight/hazardous concern. She believes this severity of this situation has gotten worse over the past couple of weeks and believes there to be an extreme fire hazard due to the papers, clothes and blankets being stored on the perimeter of the house and around the yard. She would like someone to look at the property as soon as possible and is considering taking legal action since the situation has degraded since she first contacted the Town about the condition of the property.

Thank you,
Rebecca

From: Rebecca Vaughn
Sent: Wednesday, September 09, 2015 2:07 PM
To: Adam Wolff
Cc: David Bracken
Subject:

Hello Adam and David - I received a text message from _____ last week regarding her neighbor at 614 Oakdale and ongoing issues with blight. The text was a three part message along with new pictures. I will paste all parts together below and attach the photos. I'm sorry that you're just now getting this. I'm not sure why she texted instead of emailed, but when I tried to forward these to both of your emails, as well as my own last week, I didn't realize it had gone to my junk mail folder and that two of the texts said they were undeliverable.

Text 1:

Fwd: Dear Rebecca - would you please ask the town to intervene w regards to 614 +Oakdale Ave ?

The fire hazard is worse than ever & the blight as viewed by our property painful !

I will attach a new photo.

Thank you,

Text 2:

Fwd: it is only a matter of time before the neighborhood really demands that the code before enforced-
the house next door to us just sold 300,000 over asking, & 614 was not Disclosed- thank you Rebecca-

Text 3:

photo (attached)

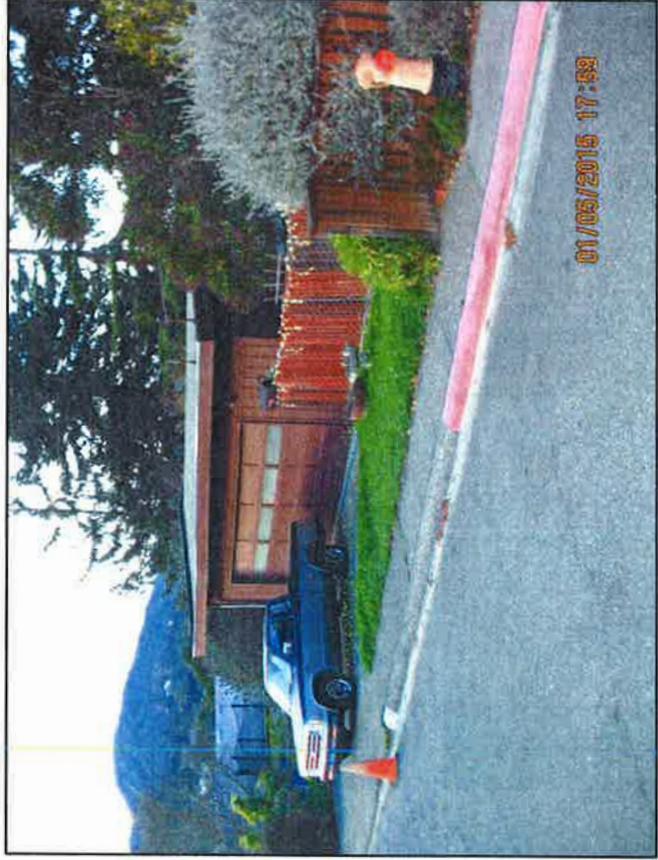
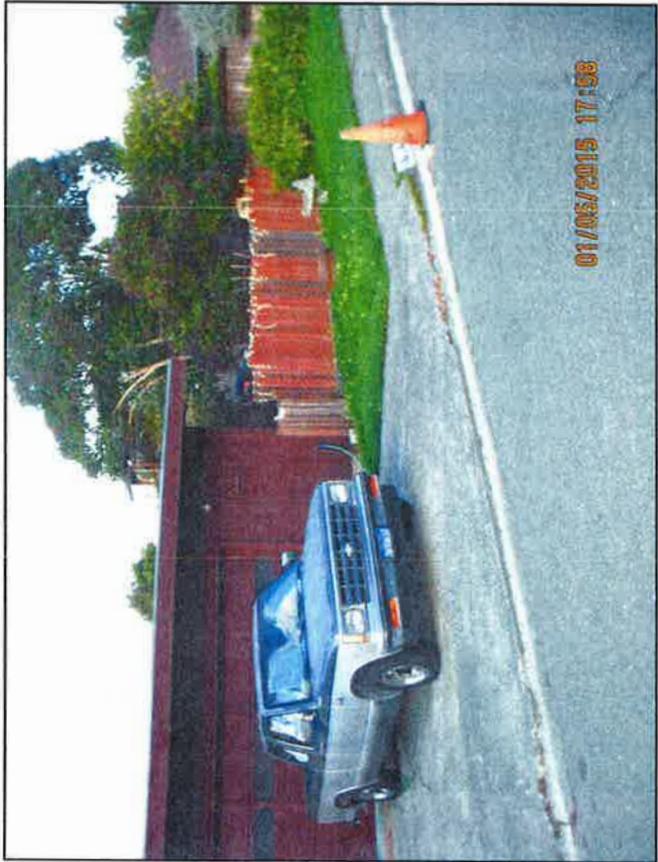
Thank you,

Rebecca

ATTACHMENT 3

PHOTOS TAKEN SINCE JANUARY 2015

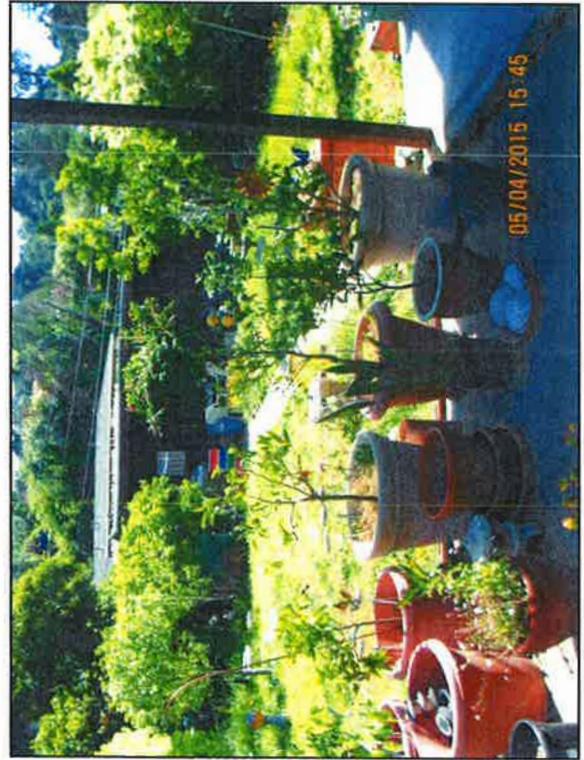
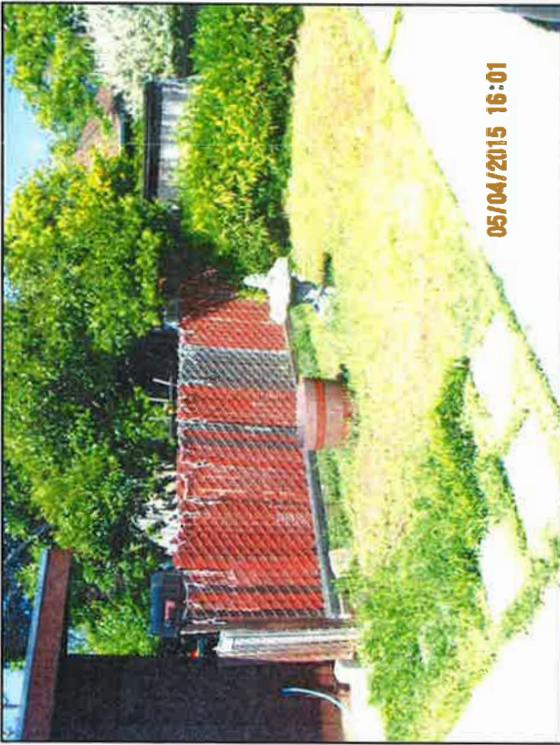
JANUARY 5, 2015



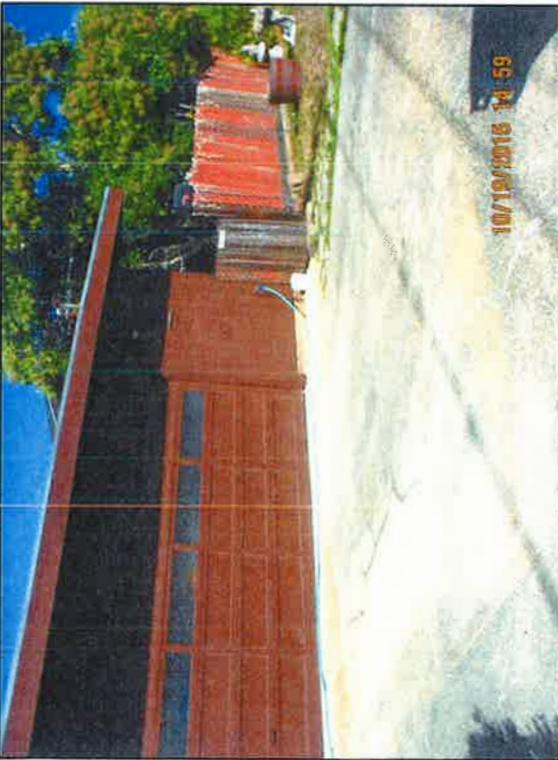
FEBRUARY 4, 2015



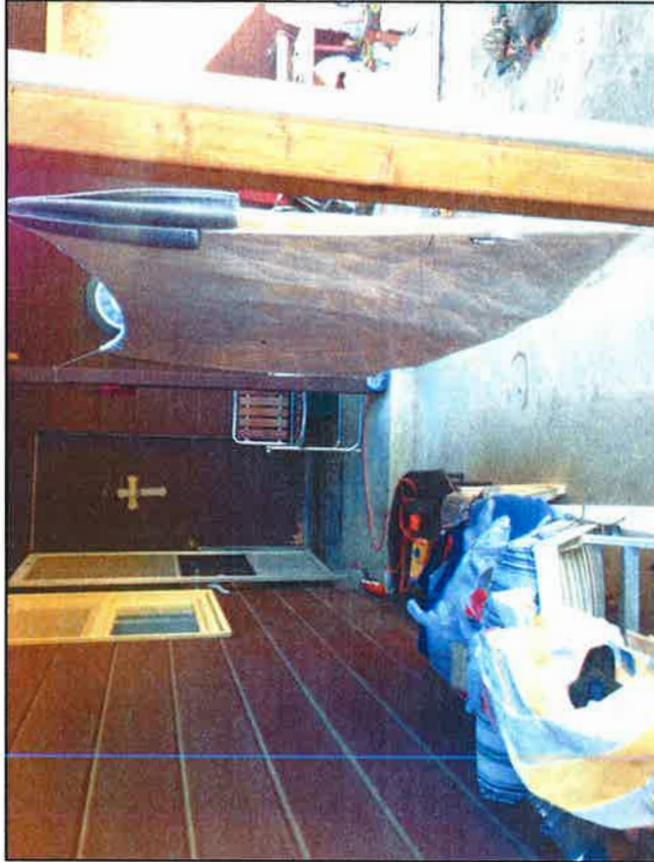
MAY 4, 2015



OCTOBER 19, 2015



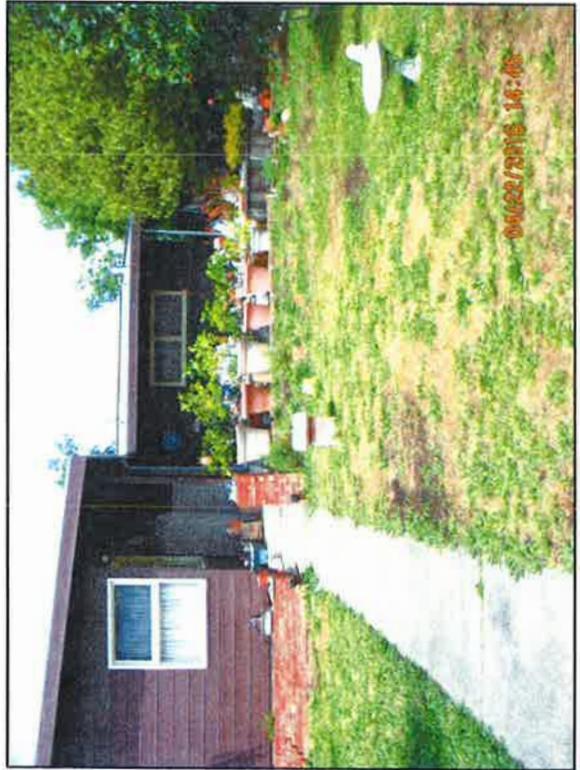
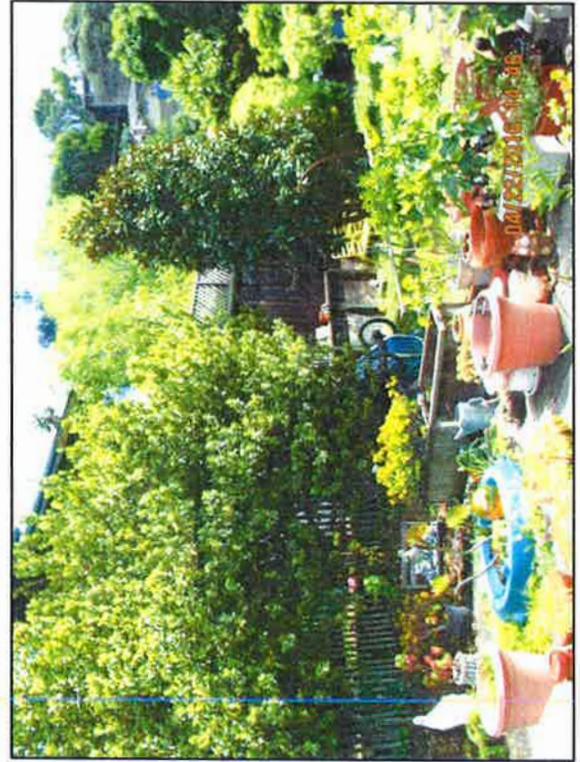
NOVEMBER 16, 2015



MARCH 14, 2016



APRIL 22, 2016



ATTACHMENT 4

NOTICE TO ABATE A PUBLIC NUISANCE AND NOTICE OF PUBLIC HEARING

**TOWN COUNCIL OF THE
TOWN OF CORTE MADERA
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 3rd day of May, 2016, at the hour of 7:30 pm, the Town Council of the Town of Corte Madera shall hold a public hearing in the Council Chambers located at 300 Tamalpais Drive Corte Madera, CA 94925.

The purpose of the hearing is to determine whether the property located at 614 Oakdale Avenue Corte Madera, CA, constitutes a Public Nuisance subject to abatement. You, Barbara Case owner of the property, are hereby ordered to appear to show cause why this property should not be declared a Public Nuisance and the conditions abated in accordance with Chapter 9.04 of the Corte Madera Municipal Code. Failure to appear shall constitute a waiver of your rights to appear and present evidence.

The conditions constituting the nuisance are: The property grounds are generally maintained in a condition that is unsightly and visible from an adjoining property, and of such a nature or character that it may be reasonably concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of that adjoining or nearby property from which such condition is visible. The property, in particular, the front porch area and the landscaped area adjacent to the rear of the garage, is generally unkempt and used for outdoor storage of various unrelated items, containers, overgrown vegetation, and general debris visible from the second story of the adjacent house adjoining the property to the east.

The methods of abatement available are: Remove all of the items listed above, and consistently maintain areas in view of neighbor in an improved condition.

If you voluntarily abate the conditions described above, you must advise the Town Manager in writing of the date of completion of such abatement and arrange for an inspection of the property by the Town. You may request a continuance of the hearing in writing if, for good cause, the voluntary abatement cannot be completed prior to the hearing date.

If the property is found to constitute a Public Nuisance by the Town Council, you shall be ordered to abate the conditions constituting the Public Nuisance by rehabilitation, removal, repair, demolition, or by some other appropriate method.

If the conditions constituting the Public Nuisance are not abated by the time established by order of the Town Council, such nuisance may be abated by town authorities and the cost of such abatement made a lien or special assessment on the property.

The hearing procedures and provisions applicable to this nuisance abatement proceeding are set forth by Chapter 9.04 of the Corte Madera Municipal Code which is attached to this NOTICE OF PUBLIC HEARING for your reference.

**TOWN OF CORTE MADERA
PLANNING & BUILDING DEPARTMENT
PHONE: (415) 927-5064**

NOTICE TO ABATE A PUBLIC NUISANCE

Violation of Municipal Code Section 9.04.030

Description of Violation: The property grounds are generally maintained in a condition that is unsightly and visible from an adjoining property, and of such a nature or character that it may be reasonably concluded that such condition would tend to be materially detrimental to the value of nearby or adjoining property, or materially detrimental to the use and enjoyment of that adjoining or nearby property from which such condition is visible. The property, in particular, the front porch area and the landscaped area adjacent to the rear of the garage, is generally unkempt and used for outdoor storage of various unrelated items, containers, overgrown vegetation, and general debris visible from the second story of the adjacent house adjoining the property to the east.

Address of Violation: 614 Oakdale Avenue

Mailing Address(es): 614 Oakdale Avenue Corte Madera, Ca. 94925
P.O. Box 708 Corte Madera, Ca. 94976-0708

Date of Mailing: MARCH 30, 2016

Mailed By: ADAM WOLFF **Title:** DIRECTOR OF PLANNING AND BUILDING

Signature: 

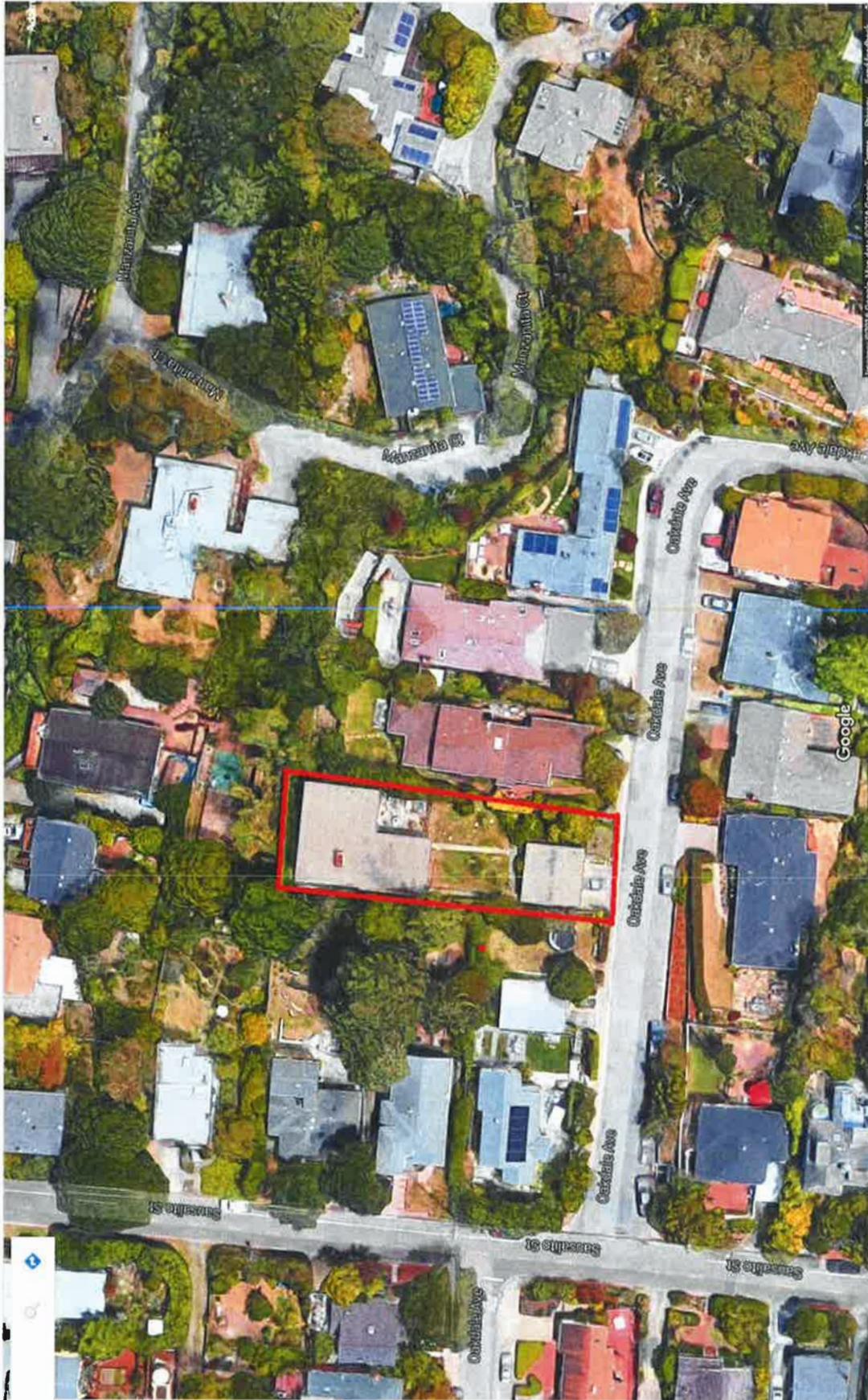
Date correction required by: APRIL 30, 2016

This violation must be corrected within 30 days and by the date specified within this NOTICE. If the violation is not corrected within the time provided, or recurs after the expiration of the date specified in this NOTICE, a public hearing before the Town Council will be scheduled and conducted per Section 9.04.070 of the Corte Madera Municipal Code. If the Town Council finds a Public Nuisance exists, it shall order abatement. The Town Council may give special consideration to the abatement order for elderly, disabled or low-income individuals. If the Public Nuisance is not abated in the time and manner set forth by the Town Council, the Town may cause Public Nuisance to be abated by Town forces and collection of the full cost of abatement shall be authorized by the Town Council by recording a Nuisance Abatement Lien per Section 9.04.100 against the property or a Special Assessment Lien per Section 9.04.110 against the property.

ATTACHMENT 5

AREA MAP

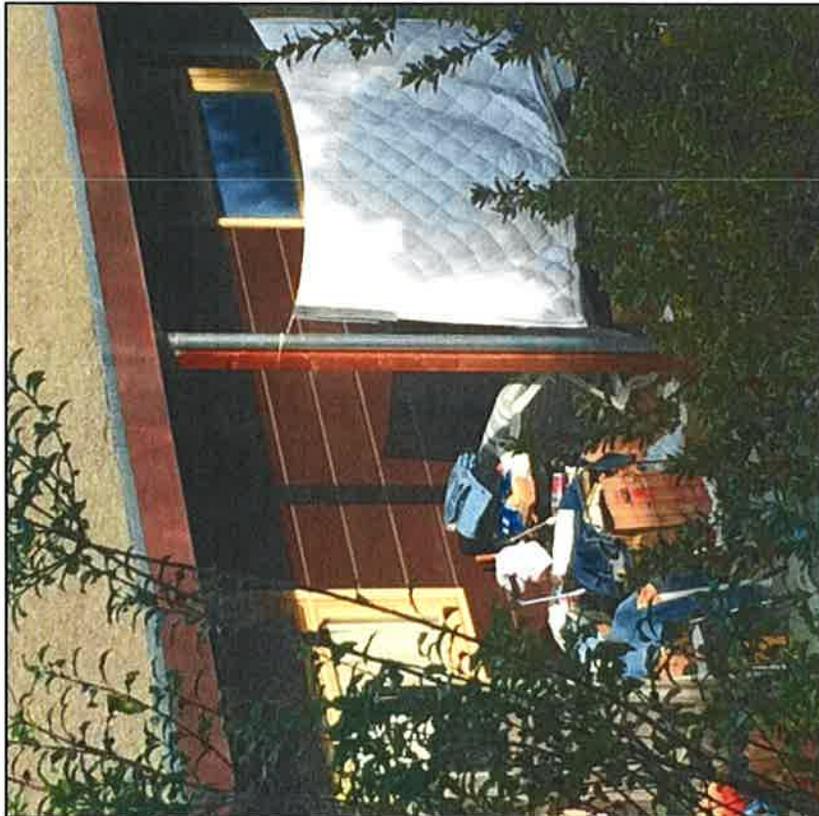
AREA MAP - 614 OAKDALE AVENUE



ATTACHMENT 6

PHOTOS FROM NEIGHBORING PROPERTY SECOND STORY

VIEW FROM NEIGHBORING PROPERTY'S SECOND STORY –
SEPTEMBER/OCTOBER 2015



Agenda Item 7.I: Discussion and Possible Action or Direction to Staff Regarding the Application Process, Permitting Fees, Insurance and Liability Related to the Placement of Pedestrian Flags at Uncontrolled Intersections on Tamalpais Drive

* * * * *

There is no staff report for this item. A verbal report and request for discussion and possible action or direction to staff will be given by Mayor Sloan Bailey.

AW ACTING
Town Manager

**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: April 28, 2016

MEETING DATE: May 3, 2016

TO: TOWN MANAGER, MAYOR AND MEMBERS OF THE TOWN COUNCIL
FROM: NISHA PATEL, SENIOR CIVIL ENGINEER
SUBJECT: CONSIDERATION AND ADOPTION OF RESOLUTION 16/2016 TO ADOPT THE TOWN OF CORTE MADERA BICYCLE AND PEDESTRIAN PLAN- 2016

PURPOSE:

To adopt the 2016 Bicycle and Pedestrian Plan. Adoption of this document is required in order to be eligible for certain State and Federal Funding available for bicycle and pedestrian improvement projects.

STAFF RECOMMENDATION:

Staff recommends that the Town Council adopt Resolution No. 16/2016:

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
ADOPTING THE TOWN OF CORTE MADERA BICYCLE/ PEDESTRIAN PLAN- 2016

TOWN MANAGER'S RECOMMENDATION:

Support staff's recommendation.

OPTIONS:

1. Adopt the attached draft resolution.
2. Modify the draft resolution.
3. Take no action at this time.

ENVIRONMENTAL IMPACT:

The Town of Corte Madera Bicycle/ Pedestrian Plan and the goals, policies and recommended improvements found within are categorically exempt under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15304, Minor Alterations to Land subsections (a), (f) and (h) as well as Section 15301 Existing Facilities subsection (c), of the California Code of Regulations Title 14, Chapter 3.

GOVERNING POLICIES:

Action on this item is consistent with the implementing policies found in Section 4.5, Goals, Policies, and Implementation Programs for Circulation, of the Town’s General Plan.

FISCAL IMPACT:

The 2016 Bicycle and Pedestrian Plan development was funded through TAM.

BACKGROUND:

On September 2, 2008, the City Council adopted the Bicycle Transportation Plan 2008 Update, as an update to the 2001 Town Bicycle Transportation Plan. This plan must stay current in compliance with the Active Transportation Program, created by Senate Bill 99 and Assembly Bill 101, which encourages increased use of active modes of transportation such as biking and walking. Local agencies must also have a current Bicycle and Pedestrian Master Plan to qualify for some grant opportunities. In addition, many granting agencies require that cities clearly define a commitment to improving non-motorized transportation in their Bicycle and Pedestrian Master Plan.

In an effort to develop a comprehensive bike and pedestrian system throughout the County, TAM engaged Alta Planning + Design to assist all cities and the County of Marin in updating their Bicycle and Pedestrian Master Plan. The process of updating the Bicycle and Pedestrian Master Plan began in March 25, 2014. Alta Planning + Design held public workshops on June 6, 2014, October 9, 2014, and March 12, 2015 to gain public input. At Bicycle and Pedestrian Advisory Committee Meetings, town staff, the Committee, and residents attending the meeting discussed and decided on projects and programs to be included in the plan and their descriptions. The Committee also prioritized pedestrian improvements, and bicycle improvements within their Class type. A draft of the Town Bicycle/ Pedestrian Plan was posted on the Town website for 30 days, from February 29, 2016 to April 1, 2016, to solicit input from a larger group of the general public. Since then, Town staff and Alta Planning + Design have worked to incorporate comments and necessary revisions. The revised final draft was reviewed by the Bicycle and Pedestrian Advisory Committee (BPAC) on April 21, 2016, and they recommended by motion that the Council approve the Plan with a minor clarification to be added on the Tamalpais Drive Bicycle Lane Project.

CONCLUSION:

Staff recommends the Town Council adopt the Town of Corte Madera Bicycle and Pedestrian Plan- 2016 as presented by adopting Resolution No. 16/2016.

ATTACHMENT:

1. Draft Resolution
2. Bicycle and Pedestrian Plan- 2016

ATTACHMENT 1

Draft Resolution

RESOLUTION NO. 16/ 2016

A RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF CORTE MADERA ADOPTING THE TOWN OF CORTE MADERA
BICYCLE AND PEDESTRIAN PLAN- 2016

WHEREAS, the Town of Corte Madera adopted a Bicycle Transportation Plan on July 10, 2001.

WHEREAS, on September 2, 2008 the Bicycle Transportation Plan 2008 Update was accepted by the Town Council as an update to the 2001 Town Bicycle Transportation Plan; and

WHEREAS, an agency's Bicycle and Pedestrian Plan must stay current in compliance with the Active Transportation Program created by Senate Bill 99 and Assembly Bill 101 which encourages increased used of active modes of transportation such as biking and walking; and

WHEREAS, a local agency must have a current Bicycle and Pedestrian Master Plan to qualify for some grant opportunities; and

WHEREAS, the Town of Corte Madera Bicycle/ Pedestrian Plan- 2016 was developed in conjunction with the Transportation Authority of Marin (TAM), Town staff, the Bicycle and Pedestrian Advisory Committee (BPAC), and Town Council; and

WHEREAS, at their April 21, 2016 meeting, the Bicycle and Pedestrian Advisory Committee voted to recommend that the City Council adopt the Town of Corte Madera Bicycle/ Pedestrian Plan- 2016; and

WHEREAS, the Town of Corte Madera Bicycle/ Pedestrian Plan and the goals, policies and recommended improvements found within are categorically exempt under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15304, Minor Alterations to Land subsections (a), (f) and (h) as well as Section 15301 Existing Facilities subsection (c), of the California Code of Regulations Title 14, Chapter 3; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Corte Madera hereby adopts the Town of Corte Madera Bicycle/ Pedestrian Plan- 2016.

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly adopted by the Town of Corte Madera of Marin County at a regular meeting thereof held on May 3, 2016, to wit:

AYES:

NOES :

ABSENT :

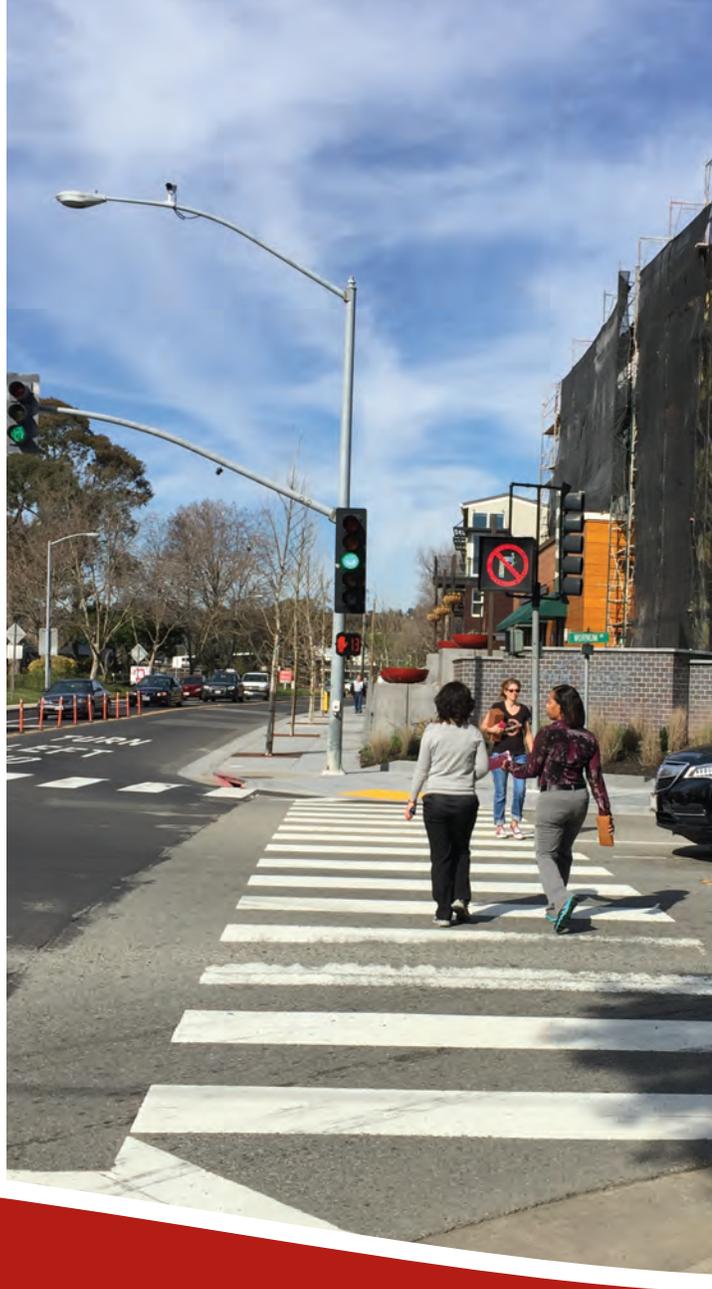
Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

ATTACHMENT 2

Bicycle and Pedestrian Plan- 2016



Town of Corte Madera Bicycle / Pedestrian Plan

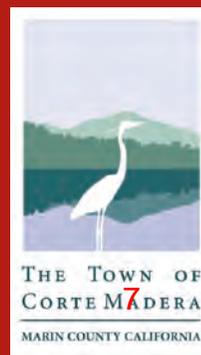
April 29, 2016

PREPARED BY:

Alta Planning + Design
Parisi Transportation Consulting
CSW / Stuber -Stroeh Engineering Group

PREPARED FOR:

The Town of Corte Madera



Acknowledgements

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Vice Mayor

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David Macpherson, Vice Chair

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Date: April 29, 2016

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1 Introduction

The *Corte Bicycle and Pedestrian Plan* provides for a recommended town-wide network of sidewalks, bicycle paths, lanes and routes, along with pedestrian- and bicycle-related programs and support facilities, intended to ensure bicycling and walking become a more integral part of transportation for people who live, work and recreate in Corte Madera. Current bikeway and pedestrian network information was gathered from meetings with the Corte Madera Bicycle/Pedestrian Advisory Committee (B/PAC) and Town staff, and combined with information on proposed routes from the previously adopted *Bicycle Transportation Plan* (2008). Relevant bikeway information was also gathered from the *Marin County Unincorporated Area Bicycle and Pedestrian Master Plan* (2008).

The purpose of this bicycle and pedestrian plan is to improve the bicycling and walking environment in Corte Madera by providing direction for future bicycle and pedestrian planning and meeting the guidelines of the California Active Transportation Program, the requirements of which are contained in Senate Bill 99 (Chapter 359, Statutes of 2013). The *Plan* looks to create a more balanced transportation system where bicycling and walking are not only viable but attractive and convenient ways to travel in and around Corte Madera.

1.1 Community Participation

The Corte Madera Bicycle and Pedestrian Advisory Committee (B/PAC), an advisory committee to the Corte Madera Town Council, allocated time from their regularly scheduled meetings in June 2014 to discuss potential updates to the *Corte Madera Bicycle and Pedestrian Plan*. The meeting was agendaized, noticed in accordance with the Brown Act and distributed to the B/PAC's interested parties list, and was open to the public. Outside of the B/PAC meeting, public input was received at two Corte Madera Bicycle and Pedestrian Plan public workshops held on October 9, 2014 and March 12, 2015 at the Town Hall, via the NextDoor social media platform, and at a Corte Madera Women's Improvement Club meeting.

2 Plan Goals & Policies

Corte Madera strives to be one of the most walkable, bikeable, livable and age-friendly cities in California and to provide a safe, beautiful, and connected system of pedestrian and bike paths, making the healthy choice the easy choice for all ages and abilities. Walking and biking can be a healthy choice and part of the daily routine of Corte Madera's residents.

2.1 Plan Goals

The following goals were developed through community participation and staff input:

- Develop a bicycle and pedestrian environment that sustains healthy, strong communities and supports a vibrant economy.
- Improve the walkability of Corte Madera by designing streets that are accessible to people of all ages, connect major destination such as shopping centers, transit, schools, and parks, and include amenities such as seating, restrooms, and pedestrian-focused signal timing.
- Encourage students to bicycle and walk to school.
- Increase bicycle and pedestrian safety through improved intersection visibility, well-managed motor vehicle speeds, and land use codes that support active use and the perception of safety.
- Plan, design, and construct complete streets per any complete streets policy which is approved by the Town.
- Create vibrant public spaces that foster community cohesion and encourage walking and bicycling through downtown events and park amenities.
- Encourage more people to walk and bicycle outdoors by producing or promoting education and marketing programs such as wayfinding, safe routes to schools, and walking and bicycling maps.
- Increase social interaction on streets through amenities that engage residents and visitors and closed-street events.
- Complete sections of the San Francisco Bay Trail that pass through Corte Madera.
- Become a more sustainable city by replacing motor vehicle trips with active transportation trips in order to reduce emissions, reduce the cost of healthcare, and decrease reliance on fossil fuels
- Reduce bicycle- and pedestrian-related collisions.
 - Reduce the total number of annual collisions by 50 percent from 2015 to 2020.
 - Reduce the annual number of bicycle- and pedestrian-related collisions to zero.
- Seek Bicycle Friendly CommunitySM designation from The League of American Bicyclists and Walk Friendly Community designation from the University of North Carolina Highway Safety Research Center's Pedestrian and Bicycle Information Center (See Appendix E).
- Per the Town of Corte Madera General Plan (Section 4.5 of the Circulation Element) and Complete Streets Policy (expected to be approved 12/2015) developments are to incorporate convenient bicycle and pedestrian access and facilities that link to Town and regional path connections.

2.2 Consistency with Adopted Plans and Policies

The *Corte Bicycle and Pedestrian Plan* is consistent with the 2009 *Town of Corte Madera General Plan – Circulation* element, the 2008 *Marin County Unincorporated Bicycle and Pedestrian Master Plan*, and the Metropolitan Transportation Commission’s (MTC) *Transportation 2035 Plan for the San Francisco Bay Area*.

Other local or regional plans that promote walking and/or bicycling include:

- *Marin Countywide Plan* – This plan, adopted in late 2007, provides countywide policy guidance on the integration of bicycling, walking, and accessibility into the transportation network. An update to the Marin Countywide Plan is being coordinated with the *Corte Madera Bicycle and Pedestrian Plan* and is scheduled to be released in 2016.
- *Nonmotorized Transportation Pilot Program (NTPP)* – Begun in 2006 and administered through 2010, this Federal Highway Administration program allocated \$25 million to bicycle and pedestrian projects throughout Marin County. Included was an extensive public outreach and planning process to identify, rank, and select infrastructure projects and educational programs to be funded by the program.
- *Healthy Eating Active Living Cities Campaign (HEAL)* – In 2011, Corte Madera joined other California cities in an effort to improve our community’s health and reduce obesity rates. Campaign supporters believe healthy choices are essential to address the obesity epidemic among California’s children and adults, currently costing the state more than \$41 million annually in healthcare and lost productivity. As part of the HEAL campaign, the Corte Madera Town Council adopted a resolution to work on and make efforts to plan and construct built environments that encourage bicycling, walking, and other forms of physical activity.
- *Paradise Drive and San Clemente Drive Specific Plan* – Adopted in 1979, the Town of Corte Madera developed a specific plan to improve the visual identity of east Corte Madera and design Paradise Drive and San Clemente Drive to serve as gateways into the Town. One objective of the plan was to “reduce automobile trips and encourage bicycle and pedestrian access to businesses along San Clemente and Paradise Drive.” To achieve that goal, the plan sets the following standards:
 - Safe, well-marked pedestrian access shall be provided from the sidewalk to the entry to each building or use. Wherever feasible, pedestrian access shall be separated from automobile access and parking and shall be marked with distinctive paving and landscaping; and
 - Secure bicycle storage shall be provided on all streets.
- *The Bay Trail Plan* – Completed in 1989, the Bay Trail Plan proposes the development of a regional hiking and bicycling trail around the perimeter of San Francisco and San Pablo Bays. Approximately 65 percent of the Bay Trail already exists. The Bay Trail designated a ‘spine’ for a continuous through-route around the Bay and ‘spurs’ for shorter routes to Bay resources. The goals of the Plan include providing a Class I, multi-use pathway as close to the shoreline as possible that connects to existing park and recreation facilities, creates links to existing and proposed transportation facilities, and preserves the ecological integrity of the Bays and their wetlands.

The *Town of Corte Madera General Plan* and municipal code lists several policies and objectives to help to achieve this vision which include bicycle parking requirements for new developments and citing vehicles for parking in bicycle lanes. A detailed listing of the policies can be found in **Appendix B**.

2.3 ATP Compliance Checklist

The State of California adopted Active Transportation Program (ATP) guidelines, which encourage increased use of active modes of transportation, such as bicycling and walking, and also provide guidance on drafting active transportation plans. The *Corte Madera Bicycle and Pedestrian Plan* includes the following provisions to fully comply with ATP guidelines:

Table 2-1: Corte Madera ATP Compliance Checklist

	Required Plan Elements	Location
(a)	The estimated number of existing bicycle trips and pedestrian trips in the plan area, both in absolute numbers and as a percentage of all trips, and the estimated increase in the number of bicycle trips and pedestrian trips resulting from implementation of the plan.	Table 3-3
(b)	The number and location of collisions, serious injuries, and fatalities suffered by bicyclists and pedestrians in the plan area, both in absolute numbers and as a percentage of all collisions and injuries, and a goal for collision, serious injury, and fatality reduction after implementation of the plan.	Section 3.4
(c)	A map and description of existing and proposed land use and settlement patterns which must include, but not be limited to, locations of residential neighborhoods, schools, shopping centers, public buildings, major employment centers, and other destinations.	Sections 3.1 and 3.2
(d)	A map and description of existing and proposed bicycle transportation facilities.	Chapter 4 and Section 4.6
(e)	A map and description of existing and proposed end-of-trip bicycle parking facilities.	Section 4.1.5 and Figure 4-6
(f)	A description of existing and proposed policies related to bicycle parking in public locations, private parking garages and parking lots and in new commercial and residential developments.	Section 4.7.1
(g)	A map and description of existing and proposed bicycle transport and parking facilities for connections with and use of other transportation modes. These must include, but not be limited to, parking facilities at transit stops, rail and transit terminals, ferry docks and landings, park and ride lots, and provisions for transporting bicyclists and bicycles on transit or rail vehicles or ferry vessels.	Section 4.2

	Required Plan Elements	Location
(h)	A map and description of existing and proposed pedestrian facilities at major transit hubs. These must include, but are not limited to, rail and transit terminals, and ferry docks and landings.	N/A
(i)	A description of proposed signage providing wayfinding along bicycle and pedestrian networks to designated destinations.	Section 4.6.6
(j)	A description of the policies and procedures for maintaining existing and proposed bicycle and pedestrian facilities, including, but not limited to, the maintenance of smooth pavement, freedom from encroaching vegetation, maintenance of traffic control devices including striping and other pavement markings, and lighting.	Chapter 8
(k)	A description of bicycle and pedestrian safety, education, and encouragement programs conducted in the area included within the plan, efforts by the law enforcement agency having primary traffic law enforcement responsibility in the area to enforce provisions of the law impacting bicycle and pedestrian safety, and the resulting effect on accidents involving bicyclists and pedestrians.	Section 5.2
(l)	A description of the extent of community involvement in development of the plan, including disadvantaged and underserved communities.	Section 1.1
(m)	A description of how the active transportation plan has been coordinated with neighboring jurisdictions, including school districts within the plan area, and is consistent with other local or regional transportation, air quality, or energy conservation plans, including, but not limited to, general plans and a Sustainable Community Strategy in a Regional Transportation Plan.	Section 2.2
(n)	A description of the projects and programs proposed in the plan and a listing of their priorities for implementation, including the methodology for project prioritization and a proposed timeline for implementation.	Chapter 6
(o)	A description of past expenditures for bicycle and pedestrian facilities and programs, and future financial needs for projects and programs that improve safety and convenience for bicyclists and pedestrians in the plan area. Include anticipated revenue sources and potential grant funding for bicycle and pedestrian uses.	Section 4.4 and Appendix A

	Required Plan Elements	Location
(p)	A description of steps necessary to implement the plan and the reporting process that will be used to keep the adopting agency and community informed of the progress being made in implementing the plan.	Chapter 7
(q)	A resolution showing adoption of the plan by the city, county or district.	Appendix H

3 Needs Analysis

3.1 Bicycle and Pedestrian Demand

The demand for bicycle and pedestrian facilities can be difficult to predict. Unlike automobile use, where historical trip generation studies, traffic counts, and planned land use development allow one to estimate future demand for travel, bicycle and pedestrian trip generation methods are less advanced and less standardized. Part of the complexity of predicting demand stems from the varied purposes for which people travel: utility trips for business and errands, commute trips, and recreational outings. Development patterns can help predict demand and are important to bicycle and pedestrian planning because changes in land use (and particularly employment areas) will affect average commute distance, which in turn affects the attractiveness of bicycling and walking as commute modes. The land use map of the *Town of Corte Madera General Plan* was last updated in 2008 and can be viewed in [Figure 3-1](#).

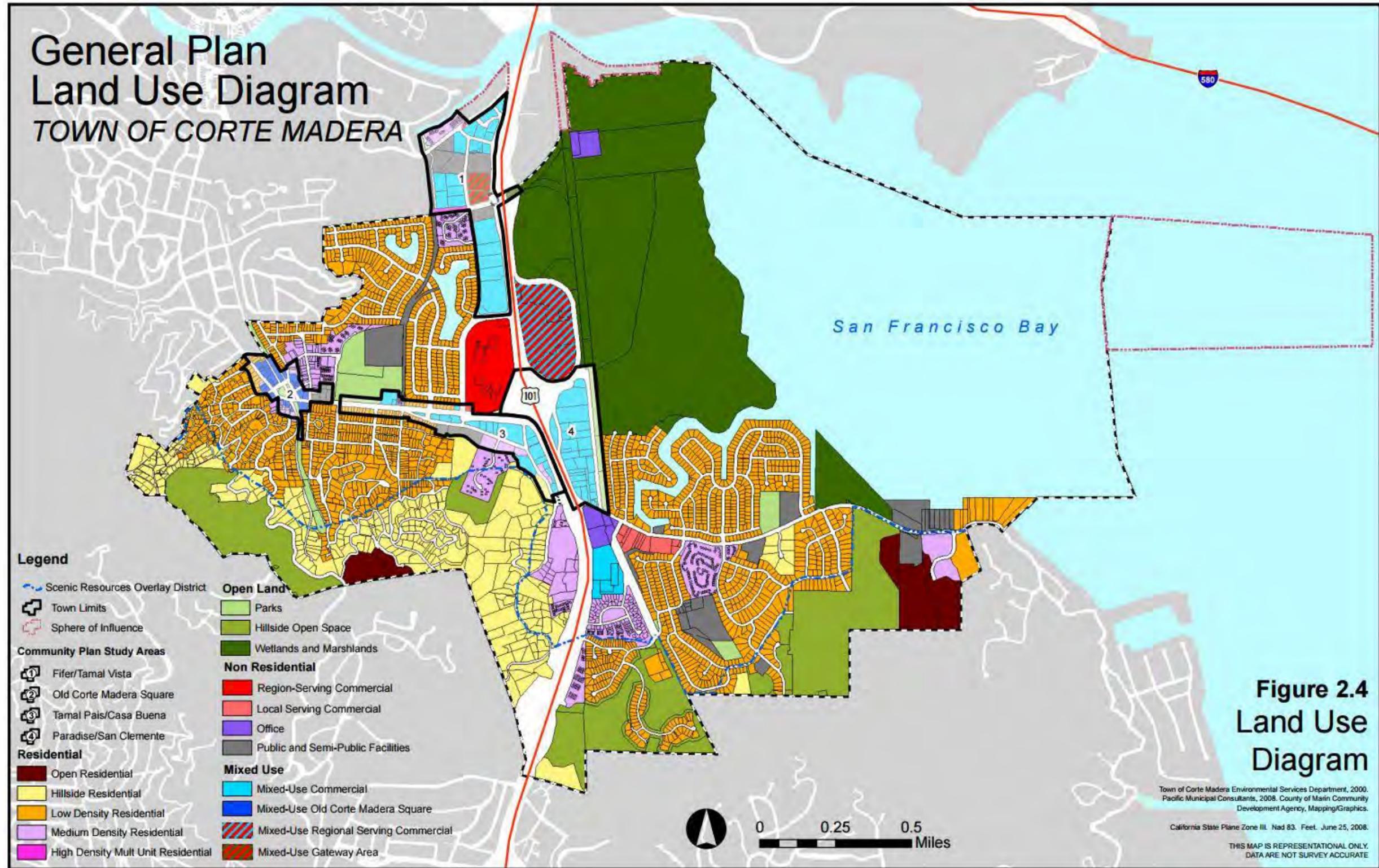
The Corte Madera bicycle and pedestrian network will connect the neighborhoods where people live in and outside of City boundaries to the places where residents and visitors work, shop, engage in recreation, or go to school. An emphasis will be placed on regional bikeways and transit connections centered on the major activity centers in Corte Madera, including:

- Downtown commercial district
- Civic buildings such as the community centers, senior centers, and libraries
- Schools
- Transit stops
- Neighborhood parks and regional recreational areas
- Shopping centers
- Major employers

A high proportion of morning and afternoon motor vehicle trips are trips to and from schools. This presents an opportunity to increase biking and walking. This presents an opportunity to increase biking and walking among students and thereby reducing congestion.

The greatest concentration of shopping, civic buildings, places of worship, major employers, and transit routes in Corte Madera are adjacent to Tamalpais Drive, Tamal Vista Boulevard, and Paradise Drive. The Town has a relatively even distribution of schools and open space. The largest park, the Camino Alto Open Space Preserve, is shared with Mill Valley to the south. The location of these amenities across Corte Madera and its neighboring jurisdictions requires the development and coordination of corridors that connect them to each other. Bicycle and pedestrian infrastructure that connect multiple activity centers is included as one of the project prioritization criteria in [Chapter 6](#).

Figure 3-1: General Plan Land Use Map



3.2 Commute Patterns

A central focus of presenting commute information is to identify the current mode split of people that live and work in Corte Madera. Mode split refers to the choice of travel mode a person selects to travel between destinations, be it bicycling, walking, taking a bus, or driving alone or with others. One major objective of any bicycle or pedestrian investment is to increase the percentage of people who choose to bicycle or walk, rather than drive. Every saved motor vehicle trip or vehicle mile represents quantifiable reductions in air pollution and can help to reduce traffic congestion.

Journey to work and travel times to work data were obtained from the US Census Bureau's 2009-2013 American Community Survey, and are shown in Table 3-1.

Table 3-1: Journey to Work Mode Split Compared to the County, State, and Nation

Mode	Nationwide	Statewide	Marin County	Corte Madera
Bicycle	0.6%	1.1%	1.9%	0.9%
Walk	2.8%	2.7%	2.9%	0.4%
Public Transit	5.1%	5.2%	8.9%	8.5%
Drive Alone	76.4%	73.3%	65.9%	70.4%
Carpool	9.6%	11.0%	8.9%	10.9%
Other	5.5%	6.6%	11.5%	9.7%

As shown, less than one percent of all employed Corte Madera residents commute to work by bicycle. However, census data does not include the number of people who bicycle for recreation or for utilitarian purposes, students who bicycle to school, and bicycle commuters who travel from outside Corte Madera, and therefore, are likely to undercount true cycling rates.

Although Corte Madera's bicycle commute rate is low - less than half of the Marin County average - there are many opportunities for increasing it. The number of Corte Madera commuters who take public transit to work is well above the statewide percentages (8.5 percent and 5.2 percent, respectively). In 2006, two percent of Golden Gate Transit riders arrived at bus stops by bicycle,¹ and less than one percent of Marin Transit arrived by bicycle.² If bicycle connections to Golden Gate Transit and Marin Transit stops are improved, and if these connections are coupled with improved bicycle storage, it would be possible to shift existing vehicle trips to the bus stops into bicycle trips.

¹ Marin County Transit District. "Marin County Transit Short Range Transit Plan". March 2006.

² Marin Transit. "Marin Transit Ridecheck Report - 2011 Local Bus Survey", March 2012.

Table 3-2: Marin Ridership Information (2011)

Ridership	Figure	Notes
Weekday Activity	1,956	2011 Ridecheck, sum of boardings and alightings within Corte Madera – Larkspur
Weekday Bikes	15	2011 Ridecheck, number of people with bikes boarding at bus stops

Less than one percent of all employed Corte Madera residents commute to work by foot. This is a comparatively low rate, falling below far below county, state and national averages. There are many opportunities to increase walking such as increasing the mix of land uses, reducing pedestrian barriers, installing sidewalks in high-priority areas, and improving access to bus pads.

3.3 Potential Future Air Quality Improvements

Corte Madera lies within the San Francisco Bay Area Basin, which is regulated by the Bay Area Air Quality Management District (BAAQMD). According to the California Air Resources Board, as of July 2012, the air quality in the San Francisco Bay Area Basin did not meet the minimum state health-based standards for one-hour concentrations ground-level ozone and the State standards for Particulate Matter (PM10) and Fine Particulate Matter (PM2.5).³ Currently, the basin is classified as marginal non-attainment area for the federal eight-hour ozone standard and the federal 24-hour PM2.5 standard.

According to the BAAQMD, motor vehicles are responsible for approximately 75 percent of the smog in the basin. Reducing vehicle miles traveled (VMT) is a key goal of the BAAQMD, and fully implementing Corte Madera’s bicycle and pedestrian network will help achieve this goal by providing residents safe and functional ways to get to work, school, or shopping without relying on motor vehicles. Based on data from the 2009-2013 American Community Survey and estimates of bicycle and pedestrian mode share for students, the current number of daily bicycle and pedestrian commuters in Corte Madera is estimated to be 570 people, generating over 1,000 daily trips and saving an estimated 515 vehicle-miles travelled per weekday.

Table 3-3 quantifies the estimated reduction in VMT in Corte Madera following an increase in the bicycle and pedestrian mode share to 1.5 percent, and the estimated reduction in air pollutants based on the best available local and national data. This would result in an estimated decrease of 564 lbs/year of hydrocarbons, 152,996 lbs/year of carbon dioxide, and 393 lbs/year of nitrous oxide.

³ BAAQMD. *Ambient Air Quality Standards & Bay Area Attainment Status*. Last updated July 15, 2005.

www.baaqmd.gov/pln/air_quality/ambient_air_quality.htm

Table 3-3: Bicycle and Pedestrian Commute and Air Quality Projections

Topic	Value	Source
Population	9,326	2009-2013 American Community Survey (ACS)
Number of Commuters	4,075	2009-2013 ACS (Employed persons minus those working at home)
Number of Bicycle-to-Work Commuters	44	2009-2013 ACS
Bicycle-to-Work Mode Share	0.9%	2009-2013 ACS
Number of Walk-to-Work Commuters	18	2009-2013 ACS
Walk-to-Work Mode Share	0.4%	2009-2013 ACS
School Children Grades K-12	1,671	2009-2013 ACS
Estimated School Bicycle and Walk Commuters	485	Marin County Safe Routes to Schools, 2011 Program Evaluation (29 percent of hand tally respondents)
Number of College Students	378	2009-2013 ACS
Estimated College Bicycle Commuters	19	National Bicycling & Walking Study, FHWA, Case Study No. 1, 1995. Review of bicycle commute share in seven university communities (5%)
Average Weekday Marin Ridership	427	Average weekday activity as a proportion of Corte Madera's population compared to the Corte Madera – Larkspur service area and divided by two to account for getting on and off transit, Marin Transit Ridecheck Report – 2011 Local Bus Survey
Number of Daily Bike Marin Transit Users	4	Average weekday activity as a proportion of Corte Madera's population compared to the Corte Madera – Larkspur service area and divided by two (boardings and alightings), Marin Transit Ridecheck Report – 2011 Local Bus Survey

Topic	Value	Source
Estimated Total Number of Bicycle and Walk Commuters	570	Total weekday average of bike and walk to work, transit, school, college commuters
Estimated Adjusted Mode Share	6.1%	Estimated total bike and walk commuters divided by population
Total Daily Bicycle and Walking Trips	1,059	Impact Analysis, Alta Planning + Design
Reduced Vehicle Trips per Weekday	340	Impact Analysis, Alta Planning + Design
Reduced Vehicle Miles per Weekday	515	Impact Analysis, Alta Planning + Design

Potential Future Active Commuters	Value	Source
Number of Workers with Commutes 9 Minutes or Less	565	2009-2013 ACS
Number of Workers who Already Bicycle or Walk to Work	62	2009-2013 ACS
Number of Potential Bicycle Commuters (Non-Transit)	503	Calculated by subtracting number of workers who already bike or walk from the number of workers who have commutes 9 minutes or less
Future Number of New active Commuters	75	Based on capture rate goal of 15% of potential bike and walk commuters
Total Future Daily Bicycle and Walk Commuters	137	Current daily bike and walk commuters plus future bicycle commuters
Future Total Daily Bicycle or Walking Trips	274	Total future daily bicycle and walk commuters x 2 (for round trips)
Future Reduced Vehicle Trips per Weekday	216	Assumes 79% motor vehicle trip replacement

Potential Future Active Commuters	Value	Source
Future Reduced Vehicle Miles per Weekday	327	Maintains proportion of reduced vehicle trips per weekday to reduced vehicle miles per weekday from Impact Analysis, Alta Planning + Design
Future Reduced Vehicle Miles traveled per Year	119,355	Assumes 365 days per year

Future Air Quality Benefits	Value	Source
Reduced Hydrocarbons (lbs/year)	564	EPA report 420-F-08-024 "Emission Facts: Average Annual Emissions and Fuel Consumption for Gasoline-Fueled Passenger Cars and Light Trucks." 2008.
Reduced Carbon Monoxide (lbs/year)	5,142	
Reduced Nitrogen Oxide (lbs/year)	393	
Reduced Carbon Dioxide (lbs/year))	152,996	
Reduced Hydrocarbons (metric tons/year)	0.28	
Reduced Carbon Monoxide (metric tons/year)	2.57	
Reduced Nitrogen Oxide (metric tons/year)	0.20	
Reduced Carbon Dioxide (metric tons/year)	76.50	

3.4 Collision History

An analysis of the bicycle- and pedestrian-involved collision history of Corte Madera was produced using data provided by the California Highway Patrol (CHP) collision database. This data includes only collisions reported to the CHP and local police agencies and resulted in documented injuries or complaints of pain. As such, these numbers likely underestimate the total number of bicycle- and pedestrian-involved collisions that occurred in Corte Madera, particularly those that caused only minor injuries and were not reported.

In the five years between January 1, 2008 and December 31, 2012 (the most recent five-year period with available collision data), Corte Madera witnessed a total of 26 collisions that involved a bicyclist or a pedestrian. None of those collisions resulted in a fatality. Below is a detailed analysis of each type of collision.

3.4.1 Bicycle Collisions

Corte Madera has the potential to be particularly good place to ride a bicycle. Unfortunately, more bicycle riders on streets without appropriate bikeways means a higher probability of bicycle collisions, unless alternative facilities are provided. The tables summarize the number, type and location of bicycle collisions from January 1, 2008 to December 31, 2012. Over that time period, the number of bicycle collisions remained relatively consistent, ranging between four and eight collisions per year. Figure 3-2 shows the locations of each bicycle-related collision.

Table 3-4: Bicycle-related Collisions, 2008-2012

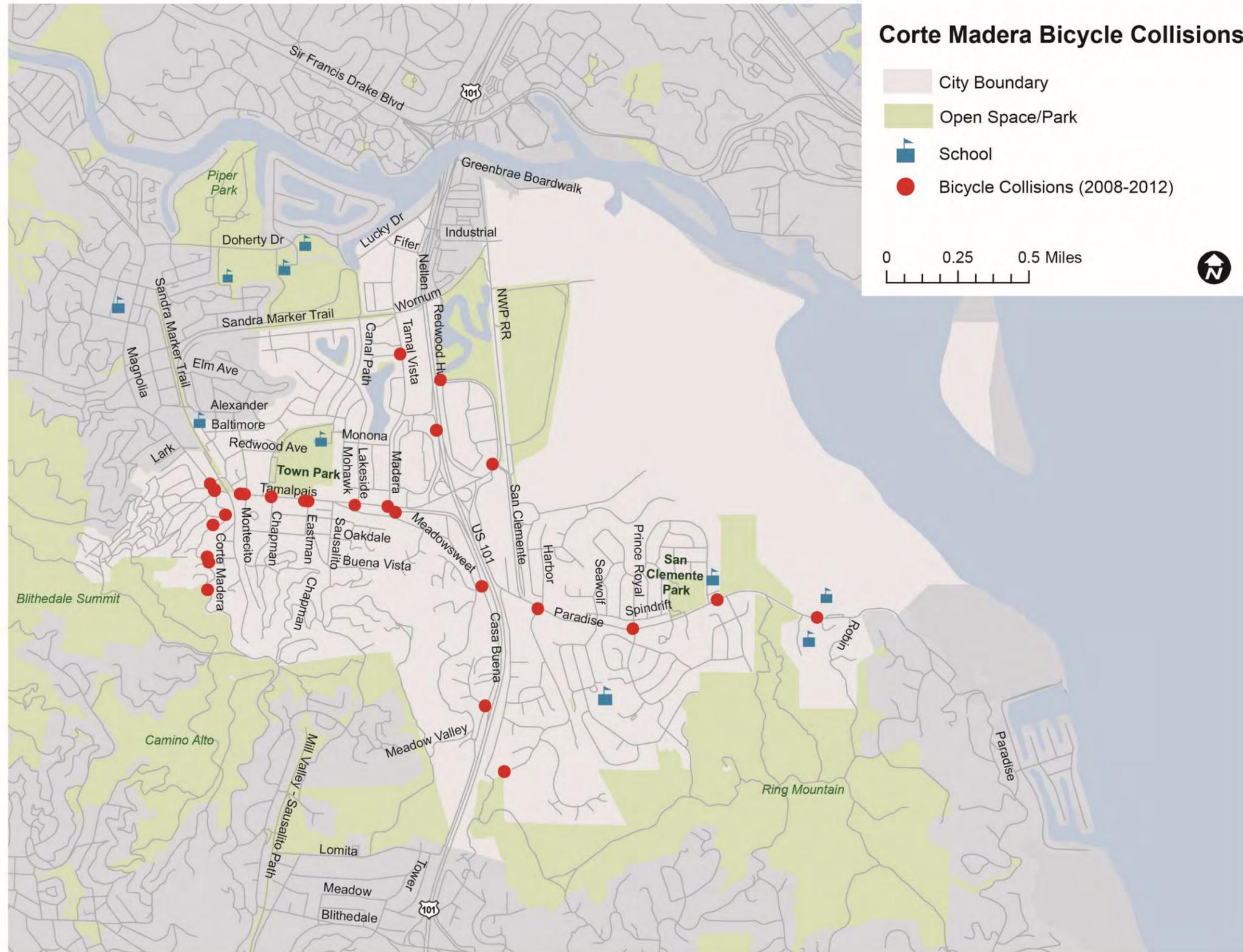
	2008	2009	2010	2011	2012	Total
Total Collisions	41	30	31	32	32	166
Total Collisions Involving a Bicyclist	7	4	4	8	4	27
Total Injuries Involving a Bicyclist	9	4	4	9	4	30
Fatal Collisions Involving a Bicyclist	0	0	0	0	0	0
Percent Bicyclists Injured per Total Collisions	22.0%	13.3%	12.9%	28.1%	12.5%	

Between 2008 and 2012, the majority of collisions occurred during daylight hours (9AM – 5PM). These are the times when the most car and bicycle traffic is traveling on the streets.

Table 3-5: Bicycle-related Collisions – Time of Day Comparison

	2008	2009	2010	2011	2012	Total
Daylight (9AM – 5PM)	5	2	3	5	2	17
Dawn & Dusk (6-9AM & 5-8PM)	1	1	1	1	0	4
Night Time (8PM – 6AM)	1	1	0	2	2	6
Total	7	4	4	8	4	27

Figure 3-2: Bicycle-related Collisions, 2008-2012



3.4.2 Pedestrian Collisions

Table 3-6 identifies pedestrian collisions within Corte Madera involving injury for the last five years of available data. From January 1, 2008 to December 31, 2012, there were 60 pedestrian-related collisions. A map of the pedestrian-involved collisions is shown in Figure 3-3.

Table 3-6: Pedestrian-related Collisions, 2008-2012

	2008	2009	2010	2011	2012	Total
Total Collisions	41	30	31	32	32	166
Total Collisions Involving a Pedestrian	3	2	0	1	3	9
Total Injuries Involving a Pedestrian	3	2	0	1	3	9
Fatal Collisions Involving a Pedestrian	0	0	0	0	0	0
Percent Pedestrian Injured per Total Collisions	7.3%	6.7%	0.0%	3.1%	9.4%	

Between 2008 and 2012 the number of pedestrian collisions remained relatively consistent, ranging between zero and three collisions per year. No pedestrian fatalities occurred in Corte Madera over the five-year period.

Table 3-7: Pedestrian-related Collisions – Time of Day Comparison

	2008	2009	2010	2011	2012	Total
Daylight (9AM – 5PM)	1	1	0	0	2	4
Dawn & Dusk (6-9AM & 5-8PM)	2	1	0	1	1	5
Night Time (8PM – 6AM)	0	0	0	0	0	0
Total	3	2	0	1	3	9

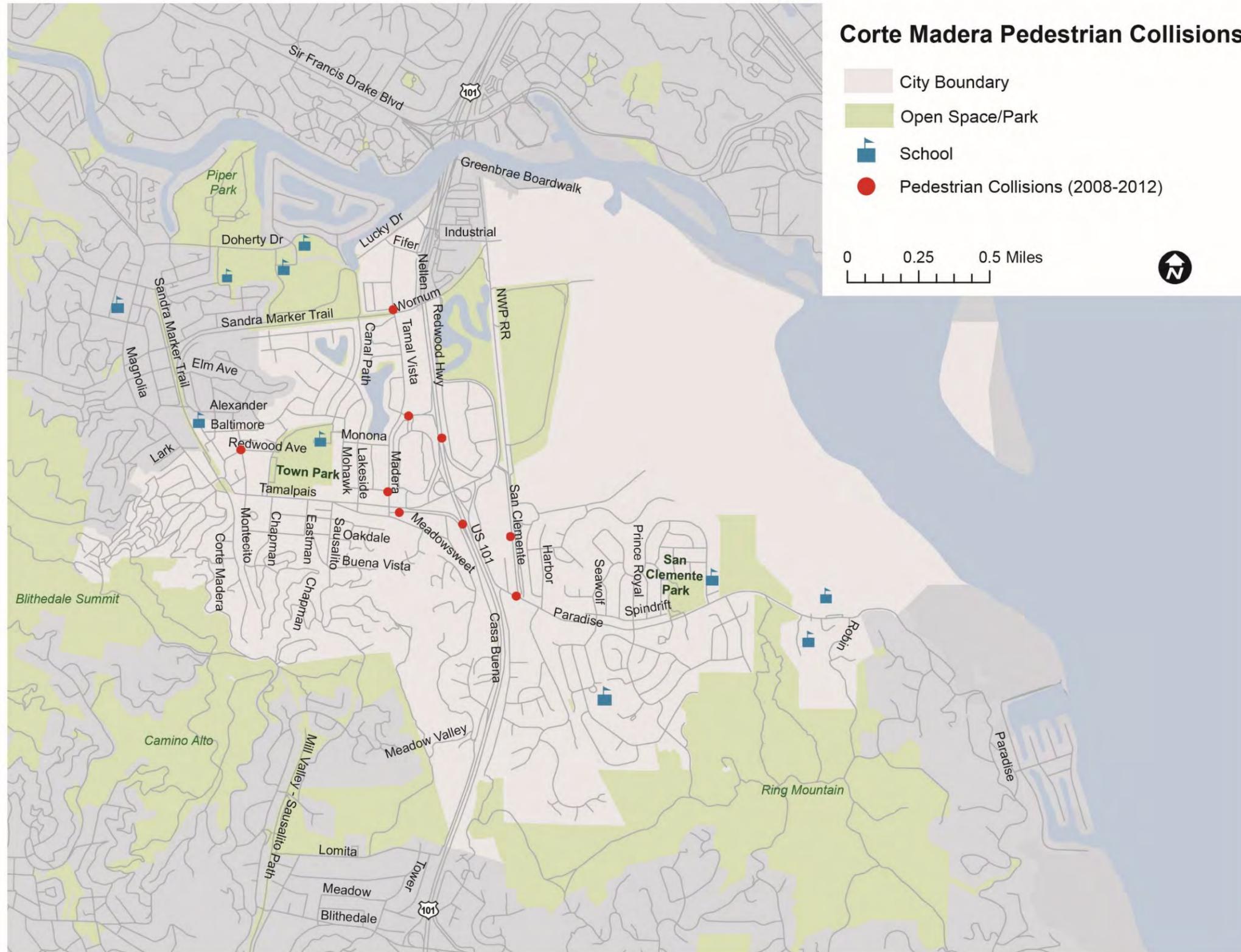
Unlike the bicycle collision time comparison, pedestrian collisions were evenly distributed between daylight and dawn and dusk hours. Countermeasures to prevent future collisions at dawn and dusk could include motorist education regarding pedestrian right-of-way, pedestrian safety education concerning visibility, and infrastructure improvements such as lighting or other means to improve visibility of pedestrians to motorists.

One-quarter of bicycle- and pedestrian-related collisions (9) occurred on or near Tamalpais Drive, with most taking place around intersections. Three of the nine collisions were the result of bicyclists being broadsided by motor vehicles. The corridor with the second most collisions was Corte Madera Avenue (8 collisions). Most of the collisions along this corridor were the result of bicyclists travelling at unsafe speeds and hitting objects or overturning their bicycles. The third most problematic corridor was Paradise Drive, in which four collisions occurred between 2008 and 2009. Half of the bicycle- and pedestrian-related collisions (2) along Paradise Drive were the result of unsafe speeds, and three out of the four collisions took place at or near an intersection.

Other data observations include:

1. Six collisions resulted in severe injuries and 12 collisions resulted in visible injuries.
2. More than 19 percent of collisions (7) were the result of unsafe speeds.
3. Over one-third of the collisions (13) could not be classified using the standard Statewide Integrated Traffic Records System (SWITRS) list of collision types (e.g., head-on, sideswipe, read end, broadside, etc.)

Figure 3-3: Pedestrian-related Collisions, 2008-2012



3.4.3 Collision Reduction Goal

Reducing the numbers of collisions is a goal of the *Corte Madera Bicycle and Pedestrian Plan*. Research shows that bicycle collision rates decrease with traffic riding skills education. The most experienced cyclists have the lowest collision rates, despite many more miles traveled. The B/PAC has expressed support for continued bicycle education, as well as improved bicycle infrastructure around locations where less educated bicyclists frequent, such as schools.

Between 2008 and 2012, 36 collisions occurred in Corte Madera involving either a bicyclist or a pedestrian. **Section 2.1** established a goal to reduce the number of bicycle- and pedestrian-involved collisions by 50 percent between 2015 and 2020. Further, to follow a Vision Zero Initiative, Corte Madera hopes to keep the number of bicyclist and pedestrian fatalities on the city's roadways to zero through supporting policies, programs, and design that have been proven to reduce bicycle- and pedestrian-related collisions.

The Vision Zero Initiative began in Sweden with the idea that no loss of life to traffic collisions is acceptable. Since its initiation in 1997, the number of fatalities on Sweden's roadways has fallen from 541 to 314 in 2011 while the traffic volume has increased significantly. In 2014, New York City was the first city in the United States to adopt this initiative and soon San Francisco and Boston followed suit. Vision Zero policies ultimately aim to reduce fatalities to zero in communities through various programs and improvements.

3.5 Design Considerations

The Town of Corte Madera has a growing bicycle and pedestrian network requiring ongoing maintenance and rehabilitation in order to meet the growing needs of its residents. However, the Town contains many roads that were built to primarily serve the automobile, and thus do not always provide equivalent bicycle and pedestrian infrastructure. Many of the comments received from the public identified issues at commercial centers or other destinations such as schools and parks that are visited on a daily basis. These areas require bicycle and pedestrian amenities to encourage active transportation and to create a safe, inviting environment.

3.5.1 Accessibility Design Standards

The *Americans with Disabilities Act (ADA)* was signed into law in 1990 to protect the rights of people with disabilities. ADA protects the right to access public services and places of public accommodation, including transit. Compliance with ADA does not solely benefit those with mobility impairments; continuous and level walkways, audible countdown signals, and sidewalk transitions (i.e., curb ramps) provide safety and mobility for all users, including children and families with strollers, and bicyclists where appropriate. When evaluating whether a walkway is ADA-compliant, cities consult guidelines such as the *Americans with Disabilities Act Accessibility Guidelines (ADAAG)* and the *Public Rights-of-Way Accessibility Guidelines (PROWAG)*.

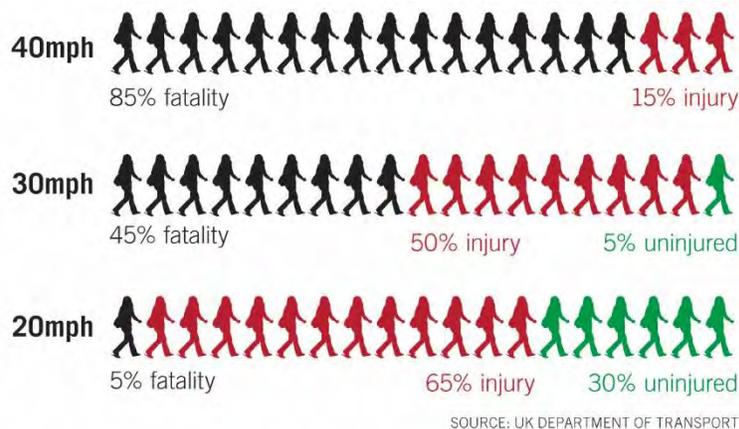
These guidelines offer specific guidance for the following:

- **Pedestrian through zone:** An area of the sidewalk reserved for pedestrian travel, at least 36 inches wide with periodic passing zones, and preferably 6-10 feet wide where feasible.
- **Cross-slope:** The slope that is perpendicular to the direction of travel, for which the maximum is two percent for pedestrian facilities.
- **Running slope:** The slope that is parallel to the direction of travel. Acceptable running slope depends greatly on the site conditions.
- **Obstructions:** Any landscaping, utility pole, or other protruding or vertical object that obstructs the pedestrian through zone.
- **Gaps, grates, and other openings:** Any gap in the pedestrian through zone wider than one-half inch may catch wheelchair castings, canes, crutches, inline skate wheels, and bicycle wheels.
- **Accessible signals:** Traffic signals that alert pedestrians through multiple media (sound, vision, tactile).

3.5.2 Traffic calming and speed limits

Vehicular speeds have significant impacts on the actual and perceived safety of the bicycle and pedestrian environment because of the likelihood of injury resulting from a crash (Figure 3-4).

Figure 3-4: Impact of Motor Vehicle Speed in Pedestrian Injury Rate



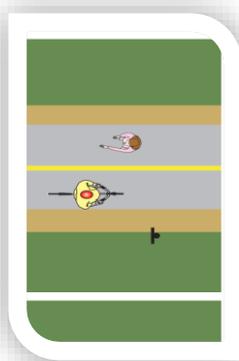
Traditional traffic calming measures, such as bulb-outs and traffic circles on neighborhood streets, are effective ways to improve safety and the sense of “sharedness” within the right-of-way. With recent California legislation, cities and towns are now also able to protect the most vulnerable road users by implementing strict speed limits around schools – without the need for an engineering and traffic study. For example, San Francisco has designated 15 miles per hour speed limit zones within 500 feet of all its elementary schools.

4 Bicycle Element

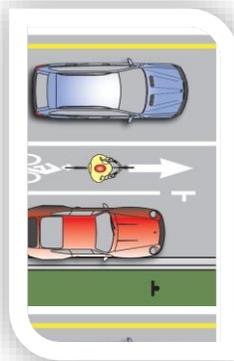
4.1 Existing Conditions

The bicycle map which accompanies this plan designates Corte Madera's bicycle routes and those in adjacent unincorporated areas by Class I, II, III, or IV in accordance with Chapter 1000 of the California Department of Transportation, *Highway Design Manual – Bikeway Planning and Design*. *Class I Bikeways – Shared-use Paths* serve the exclusive use of bicycles and pedestrians. *Class II Bikeways – Bicycle Lanes* serve the preferential use of bicycles on marked lanes on paved streets. *Class III Bikeways – Bicycle Routes* serve bicycles on streets connecting Class I or Class II bikeways. Protected bicycle lanes, which have recently been permitted in California, are referred in this plan as *Class IV Bikeways – Protected Bicycle Lanes*. This is a working title and subject to change as Caltrans and other agencies develop more detailed guidelines and standards regarding protected bicycle lanes.

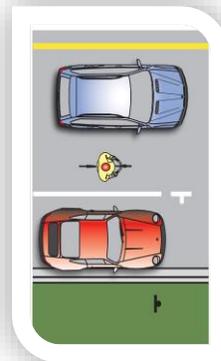
- **Class I Bikeway.** Typically called a shared-use path, a Class I Bikeway provides bicycle travel on a paved right-of-way completely separated from any street or highway. It is usually shared with pedestrians and other active transportation users.
- **Class II Bikeway.** Often referred to as a bicycle lane, a Class II Bikeway provides a striped and stenciled lane for one-way bicycle travel on a street or highway.
- **Class III Bikeway.** Generally referred to as a bicycle route, a Class III Bikeway provides for shared use with motor vehicle traffic and is identified only by signing and/or pavement markings. A subset of this type of bikeway is a Bicycle Boulevard, which is a local street that has been optimized for bicycle travel by reducing motor vehicle speeds and volumes and by improving arterial crossings and operating speeds for bicyclists.
- **Class IV Bikeway.** Often referred to as protected bicycle lanes, cycle tracks, or green lanes, Class IV bikeways are located within a street or highway right-of-way, provide a designated area for one-way or two-way bicycle travel, and offer physical protection from adjacent motor vehicle traffic using barriers, bollards, curbing, parked cars, posts, planters, or other vertical elements.



Class I



Class II



Class III



Class IV

Several variations exist for these four classifications, including paved and unpaved Class I bikeways; buffered, parking buffered, and unbuffered Class II bikeways; stenciled, signed, and bike boulevard Class III bikeways; and parking protected, elevated, one-way, and two-way Class IV bikeways.

In addition to these variations, advisory bicycle lanes are becoming popular on streets with limited right-of-way. Advisory bicycle lanes are bicycle lanes into which motor vehicles may legally encroach; therefore, the line demarcating the lane is dashed instead of solid. An advisory bicycle lane is often, but not always, used in conjunction with centerline removal. An advisory bicycle lane should only be used when a mandatory bicycle lane cannot be used. Advisory bicycle lanes should be considered when the street width is inadequate for mandatory bicycle lanes or where cars are likely to encroach on a bicycle lane as it approaches a bike box. Advisory bicycle lanes should not be used where they are likely to be blocked by parked motor vehicles.

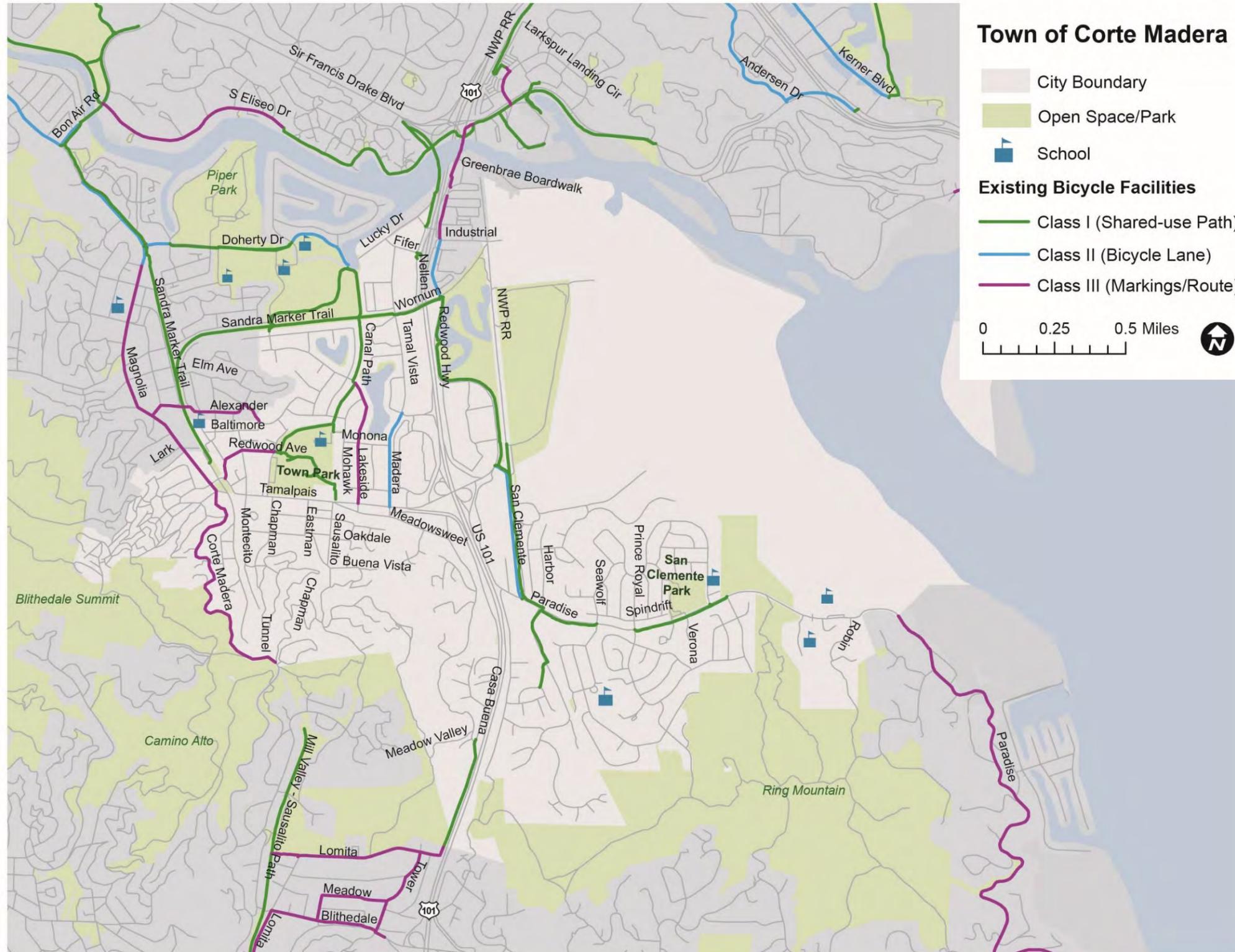
It is important to note that bicycles are permitted on *all* roads in the State of California and in Corte Madera (with the exception of designated freeways). As such, Corte Madera’s entire street network is effectively the city’s bicycle network, regardless of whether or not a bikeway stripe, stencil, or sign is present on a given street. The designation of certain roads and paths as Class I, II, III or IV bicycle facilities is not intended to imply that these are the only spaces intended for bicycle use, or that bicyclists should not be riding on other streets. Rather, the designation of a network of Class I, II, III and IV bikeways recognizes that certain roadways and paths are optimal bicycle routes, for reasons such as directness or access to significant destinations, and allows the Town of Corte Madera to then focus resources on building out this primary network. The Town’s existing network of designated bikeways is shown in Table 4-1. Specific facility segments are discussed in more detail below. Corte Madera has a total of 8.4 miles of existing bikeways.

Table 4-1: Existing Bikeway Mileage by Type

Class	Bikeway Type	Total Mileage
I	Shared-use Path	5.2
II	Bicycle Lanes	0.8
III	Bicycle Routes	2.4
IV	Protected Bicycle Lanes	0.0
Total Bikeways		8.4
Total Roadways (centerline miles)		61.8
Bikeway to Roadway Ratio		7.4

Connectivity between the east and west sides of Town is a common concern among Town residents. US-101 geographically divides the Town with the population almost evenly split on either side. Approximately 55 percent of the Town's population resides west of US-101 and 45 percent of the population resides on the east side. Access across US-101 is limited to the Tamalpais Drive interchange, the Wornum Drive underpass, and the pedestrian overcrossing north of Wornum Drive. A high quality bicycle network will help bridge the divide created by US-101. Other components of a high quality active transportation network includes improved safety, connectivity, directness, comfort, and attractiveness.

Figure 4-1: Existing Bikeway Network



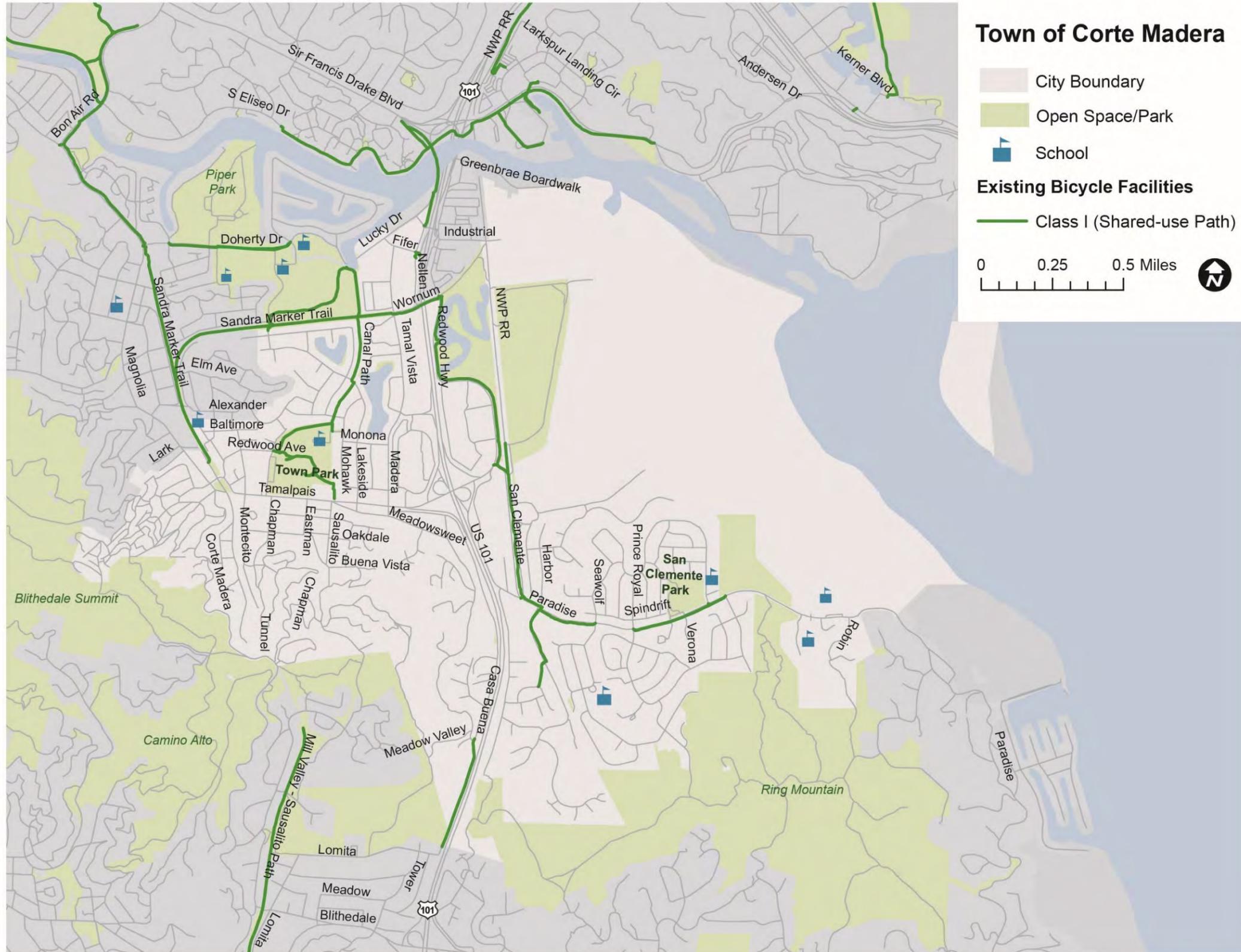
4.1.1 Existing Class I Bikeways: Multi-Use Paths

There are a total of approximately 5.2 miles of Class I Bikeways throughout the Town of Corte Madera. Table 4-2 gives the name and location of each Class I segment and Figure 4-2 shows the trails and shared-use paths.

Table 4-2: Existing Class I Bikeways – Shared-use Paths

Route	Begin	End	Class	Length
Sandra Marker Trail/Wornum Pathway (Larkspur/Corte Madera)	Redwood Highway	Corte Madera City Limit	I	0.3
Alto Hill Pathway (Mill Valley/Corte Madera/County/Caltrans)	Casa Buena Drive	Corte Madera City Limit	I	0.34
High Canal Bridge Pathway Section 1 (Corte Madera/Larkspur)	Tamalpais Drive	Lakeside Drive	I	0.54
High Canal Bridge Pathway Section 2 (Corte Madera/ Larkspur)	Wornum Way	Corte Madera City Limit	I	1.59
NWP Railroad Path (Corte Madera)	Serra Street	Tamalpais Drive	I	0.04
NWP Railroad Path (Larkspur/Corte Madera)	Redwood Avenue	Corte Madera City Limit	I	0.22
Redwood Highway/San Clemente Drive Paths	Sandra Marker Trail	Paradise Drive	I	1.2
Redwood Highway/San Clemente Drive Paths	Prince Royal Drive	Westward Drive	I	0.35
Sandra Marker Trail Access Pathway – Apache Avenue	Apache Avenue	Corte Madera City Limit	I	0.03
Tamalpais Drive Sidepath	Chapman Drive	Sausalito Street	I	0.21
Town Park Pathway	High Canal Bridge Pathway	Mohawk Avenue	I	0.35
Total Mileage				5.17

Figure 4-2: Existing Class I Bikeways – Shared-Use Paths



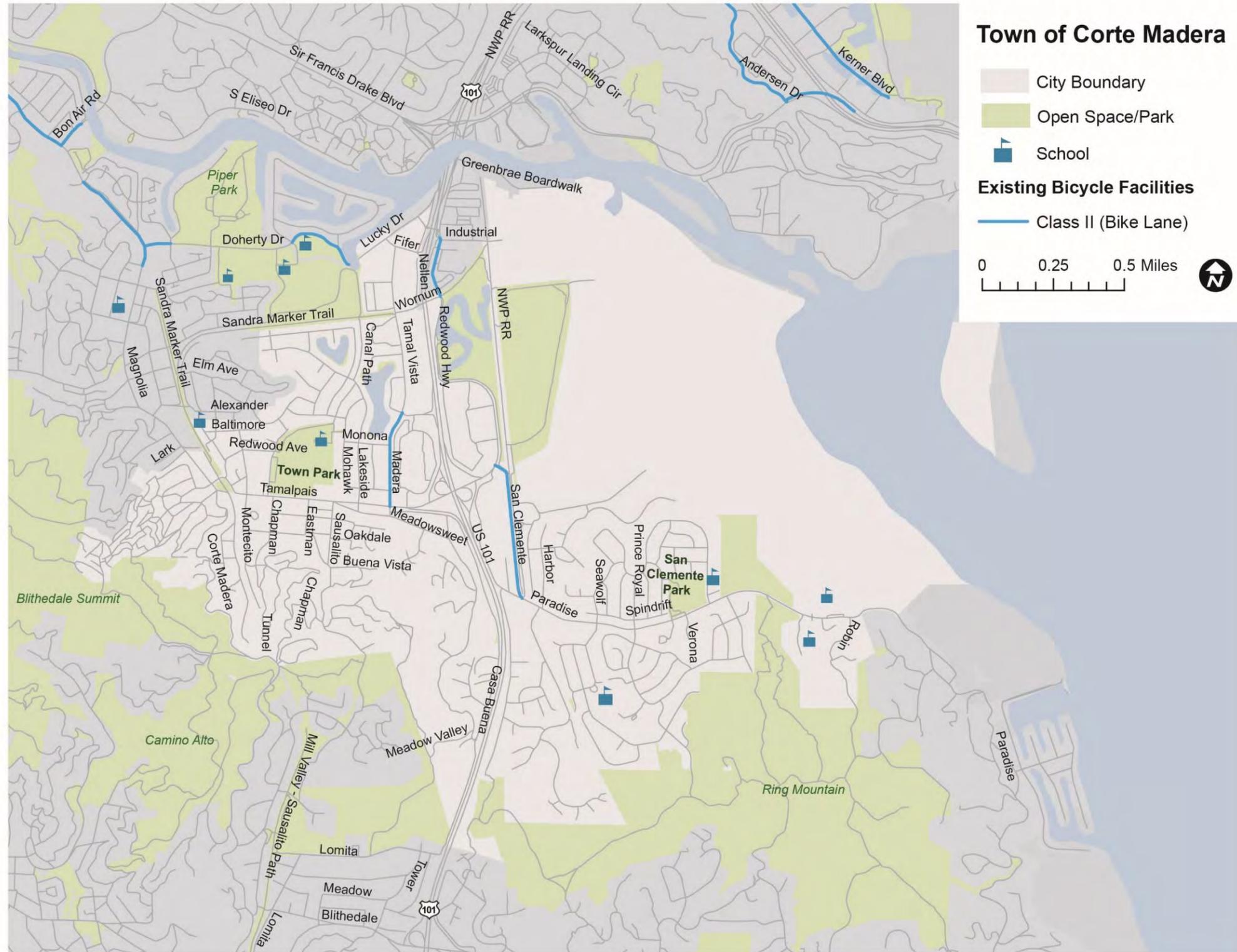
4.1.2 Existing Class II Bikeways: Bicycle Lanes

Corte Madera has less than one mile of Class II Bikeways (Bicycle Lanes). Figure 4-3 shows Corte Madera's Class II Bikeway network, and details of the on-street bicycle lanes are listed in Table 4-3.

Table 4-3: Existing Class II Bikeways – Bicycle Lanes

Route	Begin	End	Class	Length
Madera Boulevard	Council Crest Drive	Tamalpais Drive	II	0.34
San Clemente Drive	Tamalpais Drive	Paradise Drive	II	0.49
Total Mileage				0.83

Figure 4-3: Existing Class II Bikeways – Bicycle Lanes



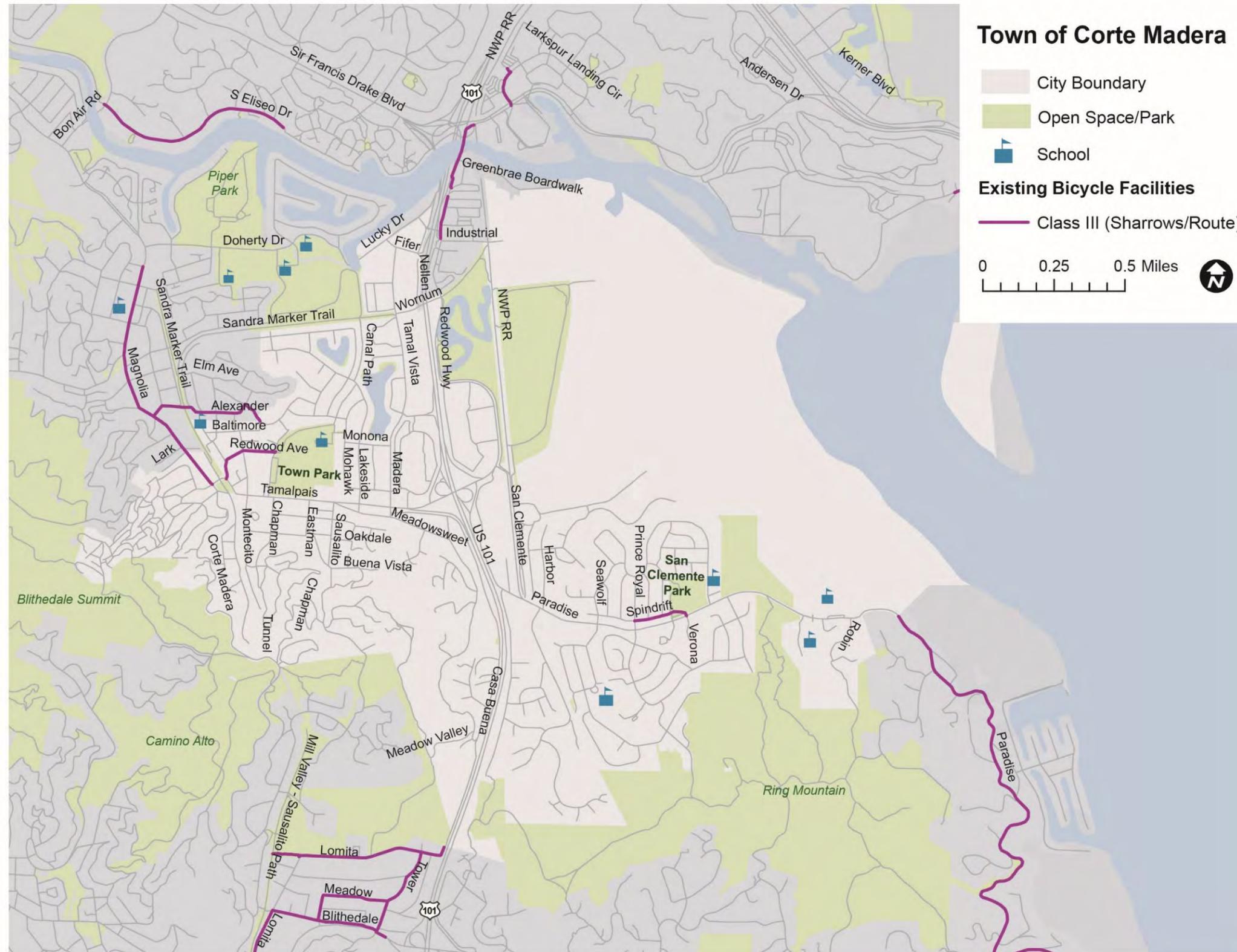
4.1.3 Existing Class III Bikeways: Bicycle Routes

There are a total of 2.37 miles of Class III Bikeways in the Town of Corte Madera, much of which was completed between 2008 and 2014. Figure 4-4 shows the Class III Bikeways in the Town, and details of the segments are listed in Table 4-4.

Table 4-4: Existing Class III Bikeways – Bicycle Routes

Route	Begin	End	Class	Length
Corte Madera Avenue	Bahr Lane	Chapman Drive	III	1.14
Lakeside Drive	Birch Avenue	Tamalpais Drive	III	0.82
Redwood Avenue	Tamalpais Drive	Pixley Avenue	III	0.25
Spindrift Passage	Prince Royal Passage	San Clemente Park (east end)	III	0.16
Total Mileage				2.37

Figure 4-4: Existing Class III Bikeways – Bicycle Routes



4.1.4 Existing Bikeway Signage

Marin County is implementing a countywide bicycle route signage program. The Town of Corte Madera is committed to developing a link in the north/south bikeway route through Marin County (Route 5). The goal of the program is to encourage commuting by bicycle through Marin and to make recreational biking more attractive to the public. The bikeway route network can be viewed at <http://www.marinbike.org/map>.

The County of Marin received \$189,000 in grant funding for a bikeway signage program. Improved wayfinding will help cyclists identify destinations at key intersections and navigate the bicycle network more easily. The Marin Public Works Directors Association selected a uniform sign for the County, including a logo of Mount Tamalpais in the background.

Figure 4-5: Marin County Bikeway Sign



4.1.5 Existing Bicycle Support Facilities

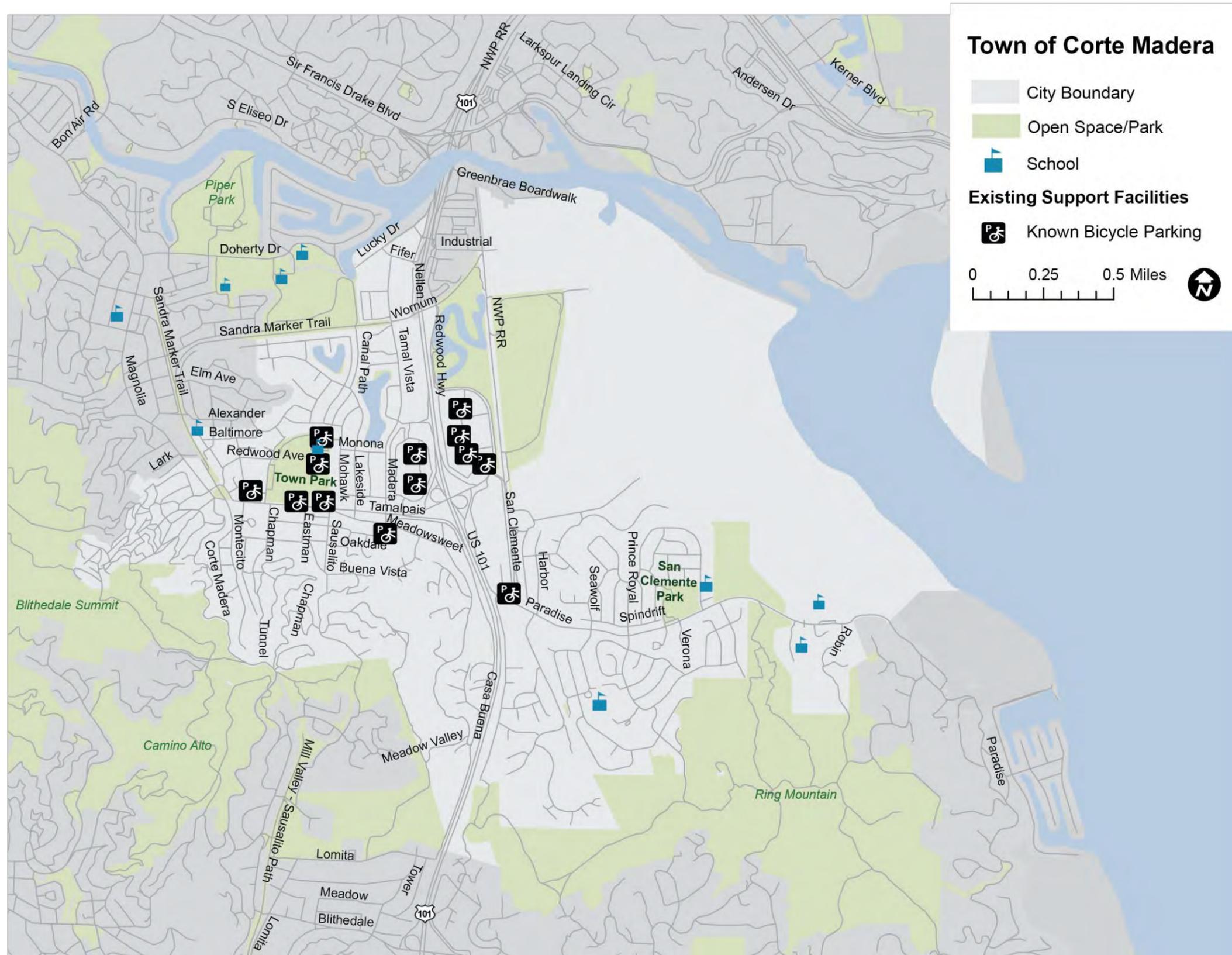
Bicycle support facilities include bicycle parking racks, lockers, and changing facilities. Any facility that assists commuting or recreational cyclists to complete their journey is also considered a support facility. See **Figure 4-6** for known bicycle parking map. Parks can also serve as bicycle support facilities. Corte Madera has an extensive system of parks and open space areas. Most parks are equipped with water and restrooms, however not all parks have bicycle parking.

Bike racks are located at a limited number of destinations, including:

- Neil Cummins School
- Town Park
- Corte Madera Community Center
- Café Verde
- Town Center at Corte Madera
- The Village at Corte Madera
- Corte Madera Public Library
- Corte Madera Town Hall
- City Cycle Marin
- Market Place Shopping Center

The Town of Corte Madera has adopted official design standards for bicycle parking. More details on these standards and requirements are provided in **Appendix C**.

Figure 4-6: Known Bicycle Parking



4.2 Multi-Modal Connections

Providing bicycle access to public transit extends the range of destinations reached by transit riders and thereby broadens potential transit and bicycle ridership. Corte Madera residents have access to scheduled transit service provided by Marin Transit and Golden Gate Transit, which provides service to San Francisco, southern and central Marin, Marin County ferry terminals and north to Sonoma County. Few bus stops within the Town of Corte Madera have bicycle racks located at the stops. The Marin County Transit District has included an element in their long-range transit plan to upgrade all bus-mounted front bicycle racks from two to three capacity fixtures, with many buses now accommodating three bikes. Additionally, all buses longer than 60 feet are outfitted with racks that allow two bicycles to ride in the underfloor luggage area.

4.3 Traffic Signal Bicycle Detection

The Town of Corte Madera has no official policy regarding bicycle signal detection at traffic signals. The Town's current practice is to use the more sensitive Type D loop detectors, a form of in-the-pavement magnetic field detection device, as head loops at all new installations or as existing loop detectors are replaced during maintenance activities. Type D loop detectors are sensitive enough to detect both bicycles and automobiles without accidentally picking up vehicles in adjacent lanes. Unfortunately, Type D loop detectors are more expensive to install than other common detection devices and present some maintenance issues. At intersections with video detection systems, separate video detection zones for bicycles are created, particularly on side streets where bicycle routes intersect major streets that rest on the green phase (i.e. creating a rest on red condition for the bikeway user). This is less of an issue for bikeways on primary streets where the signals are programmed to rest in green, but separate video detection zones for bicycles are usually provided on these roads as well. In other areas where loops are utilized, special dipole or other sensitive loop designs are used where bikes in bike lanes would not be detected by the vehicle loop systems. Table 4-5 lists the current locations for bicycle detection in Corte Madera.

Table 4-5: Existing Traffic Signal Bicycle Detection Locations

Main Street	Cross Street
Redwood Highway	Corte Madera Avenue
Redwood Highway	Wornum Drive
Tamal Vista Boulevard	Fifer Avenue

4.4 Recent Expenditures on Bikeways

Table 4-6 shows a summary of bicycle facility projects constructed since the 2008 bicycle plan was adopted.

Table 4-6: Past Expenditures on Bikeways 2008-2014

Segment	Begin	End	Class	Length	Cost Estimate	Status
Sandra Marker Trail Access Pathway – Apache Avenue	Apache Avenue	Corte Madera Town Limit	I	0.03	\$329,700	Completed
Corte Madera Avenue	Bahr Lane	Chapman Drive	III	1.14	\$199,800	Completed
Spindrift Passage	Prince Royal Passage	San Clemente Park (east end)	III	0.16	\$10,000	Completed
Lakeside Drive	Birch Avenue	Tamalpais Drive	III	0.82	\$10,400	Completed
Total				2.15	\$549,900	

4.5 Existing Bicycle Programs

Education is an important element in promoting bicycling and walking while also improving safety. People often assume that as bicycling and walking becomes more popular modes of transportation, the number of collisions will increase, but other communities have demonstrated the opposite. Although improving the quality of Corte Madera’s pedestrian and bicycle facilities will improve safety, infrastructure cannot do it alone; it must be combined with proper education of youth, adults, seniors, bicyclists, pedestrians, and motorists.

4.5.1 Central Marin Police

Central Marin police officers have historically targeted hazardous bicycle behaviors and issued bicycle citations. Bicycle enforcement activities have been funded through grants and were the result of growing concern for the safety of bicyclists on public streets. Activities have included a Traffic Safety Week, production and distribution of pamphlets, newspaper and newsletter articles, additional bicycle signage – especially near schools and critical intersections, and periodic presence of police officers at schools during morning and afternoon peak periods.

Central Marin Police also participate in Marin County Bicycle Coalition's Share the Road Campaign, which includes three components: checkpoints, basic street skills classes, and public presentations. At checkpoints, uniformed police and volunteers stop vehicles, bicyclists, and pedestrians and provide them with Share the Road flyers. Flyers contain information on California Vehicle Code, codes of conduct, and additional safety tips.

Basic Street Skills Classes are provided free of charge by the Marin County Bicycle Coalition. Classes provide information on how to avoid collisions and citations, how to ride safely, improve visibility, and the legal rights of bicyclists. Bicyclists who have received a bicycle violation may attend this class to reduce their fine to \$50.

The Marin County Bicycle Coalition also provides a Share the Road presentation for the public. The presentation is available by request, and includes information on the rights and responsibilities of bicyclists and motorists.

4.5.2 Safe Routes to Schools

The countywide safe routes to schools programs began in 2000 as an effort to reduce congestion and encourage healthy exercise and transportation habits among children and school staff in Marin County. The program has since expanded to its current level, with over 50 participating schools. Corte Madera currently has two schools, Neil Cummins Elementary School and the Cove school in the program. Overall, a 2011 evaluation of the TAM Safe Routes to Schools programs from Spring 2008 to Spring 2011 showed an increase in the number of students using an active mode (bicycling, walking, skating, etc.) to travel to school (25 percent in 2008 to 30 percent in 2011).

The program consists of five key components: education, engineering, encouragement, enforcement, and evaluation, which are described below:

- **Education** – Classroom lessons teach children the skills necessary to navigate through busy streets and show them how to be active participants in the program. Education programs completed at Neil Cummins Elementary School between 2010 and 2011 are listed below:
 - Stop, Look, and Listen
 - Walk Around the Block
 - Bicycle and Traffic Safety
- **Engineering** – The Program's licensed traffic engineer works with schools and the Town in developing a plan to provide a safer environment for children to walk and bike to school. The focus

is on creating physical improvements to the infrastructure surrounding the school, reducing speeds and establishing safer crosswalks and pathways.

- **Encouragement** – Events, contests and promotional materials are incentives that encourage children and parents to try walking and biking. **Encouragement** programs completed at Neil Cummins Elementary School between 2010 and 2011 are listed below:
 - International Walk to School Day
 - Walk and Roll Wednesdays
 - Spring Contests
- **Enforcement** – Police officers, crossing guards, and law enforcement officials participate throughout the Safe Routes process to encourage safe travel through the community. Targeted enforcement of speed limits and other traffic laws around schools make the trip to school more predictable for students. This plan also includes enforcement enhancements and outreach to drivers through driver safety campaigns.
- **Evaluation** – Program participation is regularly monitored to determine the growth in student and parent participation.

4.6 Proposed Bikeway Network

As shown in the preceding section, Corte Madera’s current bikeway network provides some opportunities for safe travel both on-street and off-street. However, significant gaps remain in the system, and closing these gaps is critical to providing good connectivity for bicyclists riding both within the Town of Corte Madera and attempting to travel to neighboring communities. The Class I, II, III, and IV projects were developed through input gathered at two public workshops, through an online survey, and from the B/PAC.

A summary of potential costs for the recommended bikeway network is presented in Table 4-7. The cost of the recommended projects is estimated to be about \$3,785,000 for Class I Bikeways, \$2,450,000 for Class II Bikeways, \$195,000 for Class III Bikeways, \$80,000 for Class IV Bikeways, and \$411,000 for other bicycle-related projects. The combined cost for all bikeways is between approximately \$6,921,000. It is important to note the three following assumptions about the cost estimates. First, all cost estimates are conceptual, since there is no feasibility or preliminary design completed, and second, the design and administration costs included in these estimates may not be sufficient to fund environmental clearance studies. Finally, costs estimates are a moving target over time as construction costs escalate quickly, and as such, the costs presented should be considered as rough order of magnitude only.

All the projects are recommended to be implemented over the next two to twenty years, or as funding is available. The more expensive projects may take longer to implement. In addition, many funding sources are highly competitive, and therefore impossible to determine exactly which projects will be funded by which funding sources. Timing of projects is also something difficult to pinpoint exactly, due to the dependence on competitive funding sources and, timing of roadway and development, and the overall economy.

Table 4-7: Recommended Bikeway Project Cost Estimates - Summary

Type	Length	Total Cost
Class I*	3.25	\$3,785,000
Class II	3.63	\$2,450,000
Class III	4.79	\$195,000
Class IV	0.34	\$80,000
Other	N/A	\$411,000
Total*	12.01	\$6,921,000

*Excludes proposed multi-jurisdictional Class I projects listed in Table 4-9.

4.6.1 Proposed Class I Bikeways: Shared-Use Paths

Class I Bikeways recommended in the plan focus on filling critical gaps in the off-street network and providing access to key destinations. For example, the re-opening of the Alto Tunnel was identified by members of the public as a high priority so that bicyclists and pedestrians could travel a north-south link from Corte Madera to neighboring communities. Along the same theme, an extension of the shared-use path parallel to San Clemente Drive and a spur from the trail extension to Wornum Drive would provide greater north-south connectivity and access to Larkspur Landing, and an extension of the Class I facility along Paradise Drive would help create safe routes to three primary schools. Details of the proposed segments can be found in Table 4-8.

Table 4-8: Proposed Class I Bikeways: Shared-use Paths

Route	Begin	End	Class	Length	Cost	Description
“Tunnel Lane Route” (parallel to Montecito Drive)	1 st Street	Approximately 800’ north of the south Madera Town Limit/ north entrance of Alto Tunnel	I	0.41	\$300,000	Project #1: Resurface existing informal path from 1 st Street to the north entrance of Alto Tunnel.
“NWP RR Path”	450’ north of San Clemente Drive	North Corte Madera Town Limit	I	0.81	\$500,000	Project #2: Consider extending existing paved Class I bikeway that runs parallel to San Clemente Drive north along NWP rail bed to north Town Limit. Environmental permits may be required.
Corte Madera Town Park Pathway	300’ north of Tamalpais Drive	Hickory Avenue	I	0.23	\$260,000	Project #3: Extend Canal Path south from Hickory Avenue towards Tamalpais Drive.
High Canal Path	275’ north of Lakeside Drive	Sandra Marker Trail	I	0.23	\$200,000	Project #4: Pave a small section of unpaved pathway along the canal; paving will be with decomposed granite or asphalt (project has BTA funding; design may be modified to reflect public input). Decomposed granite substitution will need approval by the funding agency.
“San Clemente Creek Path”	San Clemente Drive	Channel Drive	I	0.24	\$400,000	Project #5: Consider paving informal path connecting San Clemente Drive to culs-de-sac that terminate the north ends of Echo Avenue, Harbor Drive, and Channel Drive; study feasibility of bridge crossing San Clemente Creek to Golden Hind Passage.

Route	Begin	End	Class	Length	Cost	Description
New Shared-Use Path	East end of Madera Boulevard	Wornum Drive	I	0.37	\$650,000	Project #6: Study feasibility of constructing Class I shared-use path from east end of Madera Boulevard north to Wornum Drive along the 101 freeway (requires procurement of easements).
Conow Street	Meadowsweet Drive	Casa Buena Drive	I	0.09	\$50,000	Project #7: Construct Class I shared-use path on Conow Street from Meadowsweet Drive to Casa Buena Drive.
Paradise Path No. 1	San Clemente Drive	Prince Royal Passage	I	0.40	\$500,000	Project #8: Widen the existing sidewalk on the north side of Paradise Drive to create a Class I multi-use path. Right-of-way may need to be acquired. The project is partially funded by Measure A (formerly HIP). Currently applying of funding
Sandra Marker Trail Access Pathway – Hart Street	Sandra Marker Trail	Palm Avenue	I	0.02	\$25,000	Project #9: Resurface the existing short, informal path between the bend in Hart Street and the Sandra Market Trail.
On the perimeter of the San Clemente Park Parking Lot	Spindrift Passage	Paradise Drive	I	0.02	\$25,000	Project #10: Create Class I multi-use path from east end of Spindrift Passage along the west boundary of the San Clemente Park parking lot to Paradise Drive.
Paradise Path No. 2	Westward Drive	Upland Circle	I	0.35	\$850,000	Project #11: Construct a Class I multi-use path along the south side of Paradise Drive from Westward Drive to Upland Circle (Safe Pathways funding has been secured). Parking, utilities, right-of-way and wetland issues exist.

Route	Begin	End	Class	Length	Cost	Description
Wornum Drive	Tamal Vista Boulevard	Redwood Highway Frontage Road	I	0.08	\$25,000	Project #12: Study feasibility of a Class I multi-use path on the north side of Wornum Drive from Nellen Avenue to Redwood Frontage Road and the widening of the existing Class I multi-use path on the south side of Wornum Drive from Tamal Vista Boulevard to Redwood Highway Frontage road. Currently applying for funding.
Total Class I				3.25	\$3.785 mil	

Table 4-9: Multi-Jurisdictional Proposed Class I Bikeways: Shared-use Paths

Route	Begin	End	Class	Length	Cost	Description	Lead Agency
North-South Greenway (southern segment)	Wornum Drive	Intersection of NWP RR/ Industrial Way/ Town Limit	I	0.28	\$4.7 - \$5.6 million	Project #13: Construct Class I shared-use path from Redwood Highway at intersection of Corte Madera Creek to the intersection of Wornum Drive and Redwood Highway.	County of Marin
Mill Valley – Corte Madera Bikeway	N/A	N/A	I	TBD	TBD	Project #14: Continue exploration of potential options identified in 2009 Mill Valley – Corte Madera Bikeway Study	County of Marin
Total Class I				0.28	\$4.7 - \$5.6 mil		

4.6.2 Proposed Class II Bikeways: Bicycle Lanes

Corte Madera's bikeway network does not currently have many Class II Bicycle Lanes. Residents identified the need for bicycle lanes along three roadway segments that would provide improved east-west connectivity and one roadway segment to facilitate north-south bicycle travel.

The highest priority Class II facility is along Tamalpais Drive from Corte Madera Avenue to San Clemente Drive. This project would require lane reconfiguration but would serve as a main bicycle artery between shops, schools, and parks on the west side of Corte Madera and open space and homes on the east side of Corte Madera.

Other priority Class II bikeway facilities include bike lanes on both sides of the street on Casa Buena Drive from Sanford to Meadowsweet, and northbound on Tamal Vista Boulevard from Fifer Avenue to Madera Boulevard. Details of all the bicycle lane proposals can be found in **Table 4-10**.

Table 4-10: Proposed Class II Bikeways: Bicycle Lanes

Route	Begin	End	Class	Length	Cost	Description
Tamalpais Drive	San Clemente Drive	Redwood Avenue	II	1.02	\$85,000	Project #15: Stripe Class II bicycle lanes in both directions on Tamalpais Drive from San Clemente Drive to Redwood Avenue. Study feasibility of buffered bicycle lanes or Class IV bikeways from Madera Boulevard to Redwood Avenue.
Redwood Avenue	Corte Madera Avenue	Tamalpais Drive	II	0.06	\$10,000	Project #16: Study feasibility of including Class II bicycle lanes.
Casa Buena Drive	Sanford Street	Meadowsweet Drive	II	1.04	\$2.2 million	Project #17: Study and construct Class II bicycle lanes in both directions along full length of Casa Buena Drive. Coordinates with sidewalk project within same limits.
Redwood Highway	Wornum Drive (east end)	Tamalpais Drive/ San Clemente Drive	II	0.74	\$60,000	Project #18: Stripe Class II bicycle lanes in both directions from Wornum Drive to the intersection of Tamalpais Drive and San Clemente Drive.
Sanford Street	Tamalpais Drive	Meadowsweet Drive	II	0.03	\$10,000	Project #19: Study potential for Class II bicycle lanes on the full length of Sanford Street.
Tamal Vista Boulevard	Fifer Avenue	Madera Boulevard	II	0.59	\$45,000	Project #20: Study and construct feasibility of Class II bicycle lanes in northbound direction on Tamal Vista Boulevard. Currently applying for funding.
Lucky Drive	Doherty Drive	Fifer Avenue	II	0.15	\$40,000	Project #21: Stripe Class II bicycle lanes on Lucky Drive from existing Class II bicycle lanes on Doherty Drive to Fifer Avenue.
Total Class II				3.63	\$2.45 mil	

4.6.3 Proposed Class III Bikeways: Bicycle Routes

Several potential Class III Bicycle Routes were identified by residents. Limited right-of-way along Casa Buena Drive, Corte Madera Avenue, and Chapman Drive make them a prime candidates for bicycle route designation. Additional signage along Corte Madera Avenue and Chapman Drive would help minimize unsafe bicycling speeds. Details of the proposed segments can be found in **Table 4-11**.

Table 4-II: Proposed Class III Bikeways: Bicycle Routes

Route	Begin	End	Class	Length	Cost	Description
Monona Drive	Mohawk Avenue	Madera Boulevard	III	0.15	\$5,000	Project #22: Stencil Class III bicycle route on Monona Drive from Mohawk Avenue to existing Class II bicycle lanes on Madera Boulevard. This project will help connect the Town Park and Neil Cummins Elementary School with homes and Town Center.
Seawolf Passage	Paradise Drive	Spindrifft Passage	III	0.12	\$5,000	Project #23: Stencil Class III bicycle route on Seawolf Passage from Paradise Drive to Spindrifft Passage. Study potential for additional traffic calming features.
Chapman Drive	Stetson Ave.	Corte Madera Avenue	III	0.86	\$35,000	Project #24: Stencil and sign Class III bicycle route on Chapman Drive from Stetson Avenue to Corte Madera Avenue.
Meadowsweet Drive	Tamalpais Drive	Casa Buena Drive	III	1.28	\$40,000	Project #25: Stencil Class III bicycle route on Meadowsweet Drive from Tamalpais Drive to Casa Buena Drive.
Paradise Drive	San Clemente Drive	Town Limit	III	1.40	\$50,000	Project #26: Stencil Class III bicycle route on Paradise Drive from San Clemente Drive to the east Town limit.
Sausalito Street	Tamalpais Drive	Buena Vista Avenue	III	0.21	\$10,000	Project #27: Stencil Class III bicycle route on Sausalito Street from Tamalpais Drive to Buena Vista Avenue. Alternatively, study potential for advisory bicycle lanes along Sausalito Street as a traffic calming measure.

Route	Begin	End	Class	Length	Cost	Description
Tamal Vista Boulevard	Fifer Avenue	Madera Boulevard	III	0.63	\$20,000	Project #28: Stencil Class III bicycle route on Tamal Vista Boulevard in the southbound direction from Fifer Avenue to Madera Boulevard. Also study potential speed limit reductions, traffic calming measures, and Class II bicycle lanes. Currently pursuing funding.
Nellen Avenue	Fifer Avenue	Lucky Drive	III	0.14	\$30,000	Project #29: Stencil Class III bicycle route with greenback sharrows and improve driveways along westside of Nellen Avenue to make ADA-compliant.
Total Class III				4.79	\$195,000	

4.6.4 Proposed Class IV Bikeways: Protected Bicycle Lanes

Limited space along Nellen Avenue and portions of Madera Boulevard present an opportunity to implement Class IV protected bicycle lanes. Residents identified these routes as important connections to transit, and the added vertical protection provided by Class IV facilities would make transit more accessible by bicycle for people of all ages and abilities. Details of the proposed segments can be found in Table 4-12.

Table 4-12: Proposed Class IV Bikeways: Protected Bicycle Lanes

Route	Begin	End	Class	Length	Cost	Description
Nellen Avenue	Wornum Drive	Fifer Avenue	IV	0.17	\$25,000	Project #29: Study Class IV protected bicycle lane on Nellen Avenue from Wornum Drive to Fifer Avenue.
Wornum Drive	Tamal Vista Boulevard	Nellen Avenue	IV	0.08	\$25,000	Project #30: Study Class IV protected bicycle lane on Wornum Drive from Tamala Vista Boulevard to Nellen Avenue. Currently apply for funding.
Madera Boulevard	Tamal Vista Boulevard/ Council Crest Drive	US-101 on/off ramps	IV	0.09	\$30,000	Project #31: Study potential for Class IV bicycle lanes on Madera Boulevard from Tamal Vista Boulevard/ Council Crest Drive to US-101 on/off ramps. Also, study potential traffic mitigation measure.
Total Class IV				0.34	\$80,000	

4.6.5 Other Proposed Projects

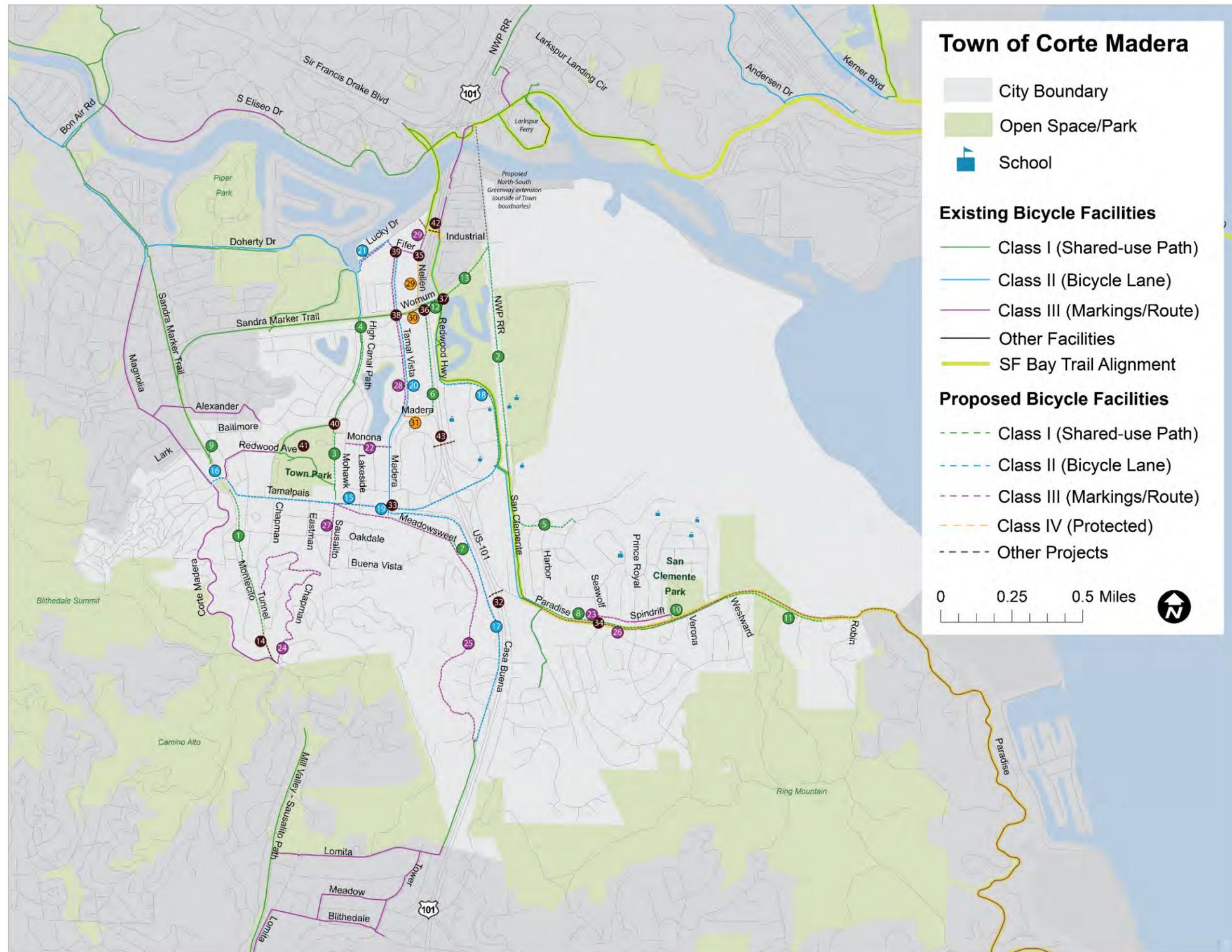
In addition to Class I, II, III, and IV bicycle facilities, several other proposed projects will provide enhance bicycle and pedestrian access. Three of the projects identified are US 101 overcrossings and attempt to help reconnect the east and west sides of Corte Madera. These projects are described in Table 4-13.

Table 4-13: Proposed Intersection Treatments and Other Bicycle-Related Projects

Route/Project	Begin/Primary Street	End/Secondary Street	Description	Cost
Paradise Drive – US 101 – Casa Buena Drive Overcrossing	Casa Buena Drive	San Clemente Drive	Project #32: Study potential for bicycle and pedestrian overcrossing that would connect Paradise Drive and Casa Buena Drive.	\$75,000
Intersection	Tamalpais Drive	Meadowsweet Drive	Project #33: Study potential for intersection alterations that accommodate bicycle and pedestrian travel.	\$15,000
Intersection	Paradise Drive	Seawolf Passage	Project #34: Study potential for intersection alterations that accommodate bicycle and pedestrian travel.	\$15,000
Intersection	Fifer Avenue	Nellen Avenue	Project #35: Study potential for intersection alterations that accommodate bicycle and pedestrian travel, including a proposed rectangular rapid flashing beacon.	\$15,000
Intersection	Nellen Avenue	Wornum Drive	Project #36: Study potential for intersection alterations that accommodate bicycle and pedestrian travel, including a proposed traffic signal.	\$15,000
Intersection	Wornum Drive	Redwood Highway	Project #37: Study potential for intersection alterations that accommodate bicycle and pedestrian travel (currently under study).	\$30,000
Intersection	Tamal Vista Boulevard	Wornum Drive	Project #38: Study potential for bicycle and pedestrian intersection alterations (consider grade separated crossing).	\$30,000

Route/Project	Begin/Primary Street	End/Secondary Street	Description	Cost
Intersection	Fifer Avenue	Tamal Vista Boulevard	Project #39: Study potential for bicycle and pedestrian intersection alterations. Consider tightening turning radii and installing green lane markings through the intersection).	\$15,000
Neil Cummins Path	N/A	N/A	Project #40: Install concave mirror at corner northwest of Neil Cummins Elementary School, just south of Hickory Avenue.	\$1,000
Neil Cummins Path	N/A	N/A	Project #41: Consider paving Neil Cummins Path west of Neil Cummins Elementary School and east of Pixley Lagoon (currently under study).	\$75,000
Nellen Avenue – US 101 – Redwood Highway Overcrossing	Nellen Avenue	Redwood Highway	Project #42: Maintain existing overcrossing in short-term and seek funding to make ADA-compliant in long-term. Also, study proposed raised crosswalk across Nellen Avenue to provide additional access to overcrossing.	\$50,000
“Ponte Nuvio” Overcrossing	Town Center at Corte Madera	The Village at Corte Madera	Project #43: Study feasibility of overcrossing connecting two shopping centers with coordination from Caltrans, and improve access to US 101 bus pads.	\$75,000
Total Cost				\$411,000

Figure 4-7: Proposed Bikeway Network



4.6.6 Countywide Bicycle Route Wayfinding Signage Project

As described in the preceding Existing Conditions section, the Marin County Department of Public Works plans to install standard bicycle route signs throughout the county to direct users to routes and destinations throughout the County. Although it is not an infrastructure project included in this plan, the town and the B/PAC are committed to working with the Marin County Department of Public Works to ensure implementation of this project within Corte Madera. Because the county project focuses primarily on decision points to provide wayfinding, it may be supplemented by Class III Bikeway: Bicycle Route signage, as described later this plan. In addition, Class III Bikeway signage may be found on designated Corte Madera bike routes, which are not a part of the county's project.

4.7 Recommended Bicycle Programs & Policies

Support programs and policies are an important component of a bicycle transportation system. Bikeway facilities alone are not sufficient to increase bicycling, and must be supported by amenities such as secure bicycle storage, restrooms, and changing areas for long-distance commuters. In addition, bicycle racks on buses, directional signage intended for bicyclists, route maps, and educational and encouragement programs expand travel options. Programs such as bikeway management and maintenance improve bicyclists safety, and promotional and educational programs support the cultural shift that encourages bicycling as a mode of transportation. The following section includes both general and specific recommendations for support facilities and programs.

4.7.1 Bicycle Parking and End-of-trip Facilities Recommendations

Bicycle parking includes standard bike racks, covered lockers, enclosed lockers, bike spas, and corrals. Other end-of-trip facilities include showers and changing facilities. Below are recommendations for bicycle parking and end-of-trip facilities.

Bicycle Parking Inventory

Create an inventory of existing bicycle parking and update the inventory annually. The inventory should be geo-located and maintained by the Town of Corte Madera.

Increase Public Bicycle Parking Facilities and Encourage/Mandate Provision of Shower and Changing Facilities

The Town should seek to provide bicycle lockers at public destinations, including park-and-ride lots, major bus stops, community centers, libraries, parks, schools and shopping centers where appropriate. All bicycle parking should be in a safe, secure, covered area (if possible). Large employers should be encouraged to provide secure indoor parking, covered bicycle corrals, or bicycle lockers.

The Town of Corte Madera should work with employers to implement the requirements for providing bicycle parking, shower, and changing facilities for employees as called for in Town ordinance and as a component of all commute and traffic demand management programs (per Municipal and Building Codes).

The B/PAC should periodically review the effectiveness of the existing standards and ordinances and update them with best practices as needed.

Provide Valet Bike Parking at Public Events

A formal program to provide closed-in secure bicycle corrals at all large public events to encourage residents and visitors to bicycle rather than drive should be instituted. The bicycle coalitions in Marin County and San Francisco have been providing free bicycle parking at events. The valet parking works much like a coat check: the cyclist gives their bicycle to the attendant, who tags the bicycle with a number and gives the cyclist a claim stub. When the bicyclist returns to get her or his bicycle, she or he presents the claim stub and the attendant retrieves her or his bicycle for them. Locks are not needed. The Marin County Bicycle Coalition (MCBC) will also park strollers, rollerblades, electric scooters and other human- or electric-powered transportation devices. Valet parking could be sponsored by the Town in partnership with the Marin County Bicycle Coalition and/or other providers or sponsors. Volunteers are critical to the success of such a program as they are typically used to staff the corral during the events.

Bikeways and Development Policies Recommendations

Private development presents an excellent opportunity to integrate active transportation into newly constructed or redeveloped environments. Similar to the bicycle parking and end-of-trip facilities requirements described above, a policy should be developed concerning bikeway construction as a part of redevelopment or new construction (see [Carrboro's Vision 2020](#) plan; County of Luzerne, PA, [Ordinance o. 2015-10](#); and Cary, NC, [Ordinance No 7.10.5](#)). Based on specific criteria, bikeways could be required for development permits or bicycle facilities could be incorporated into the Town's traffic mitigation strategies. Bikeways to be constructed should be identified in the *Corte Madera Bicycle and Pedestrian Plan* and be reviewed by staff with the involvement of the B/PAC. End of trip facilities should be integrated according to national and international best practices.

4.7.2 Safe Routes to School Recommendations

Identifying and improving routes for children and school staff to walk or bicycle to school is an effective means of reducing morning traffic congestion and addressing safety problems around schools. Most effective school commute programs are joint efforts of the school district and Town or County, with parent organizations adding an important element. The traffic calming, route maps, School-Pool efforts, and infrastructure improvements that result from an extensive Safe Routes to School plan benefit not only students walking and biking to school, but also other cyclists and pedestrians that are using routes near schools.

The Town of Corte Madera should continue its support of the Safe Routes to Schools program. Bicycle alterations at local schools should be coordinated with town wide bicycle infrastructure alterations to create a seamless network by which children and school staff can travel safely by bicycle and on foot.

4.7.3 Traffic Calming Recommendations

Traffic calming programs are beneficial for bicyclists and improve safety and comfort for all road users, especially if programs succeed in reducing the speed differential between automobile and bicyclist travel speeds. However, if not appropriately designed, some physical traffic calming devices can present hazards for cyclists. For example, chokers or median islands narrow the space between bicycles and cars, compromising a cyclist's safety.

Physical traffic calming solutions should take into account cyclists' needs; incorporate design features and signage that ensure that cyclists and motorists have enough room to share the lane; and clearly establish right-of-way priorities.

The Town of Corte Madera should adopt a traffic calming program that identifies roadways with a history of unsafe motor vehicle operations, roadway configurations that encourage speeding, poor delineation of pedestrian crossings, and other potential bicycle- and pedestrian-related safety issues. Once identified, the traffic calming program should provide a toolbox of potential countermeasures, and designates a clear process for implementing traffic calming measures.

4.7.4 Maintenance Recommendations

Providing ongoing maintenance is often identified as one of the chief obstacles in the implementation of local bicycle and pedestrian plans in Marin County. Corte Madera's bikeways should be well-maintained. Some tasks, such as repairing damaged and potholed roadway surfaces, clearing plant overgrowth and regular sweeping are associated with routine roadway maintenance. Additional care and attention should be taken to ensure bikeways are included in the maintenance. For example, street sweeping activities should include the bicycle lane and not transfer debris out of the roadway and into the bicycle lane. Other maintenance activities are bikeway specific, and could include restriping lanes, repainting stencils and replacing signs. An example of needed bikeway maintenance is the repaving of the multi-use path along the east side of Redwood Highway from Tamalpais Drive/San Clemente Drive to Wornum Drive.

Develop a Funding Source for the Bicycle Maintenance Program

Bikeways are an integral part of Corte Madera's transportation network, and maintenance of the bikeway network should be part of the ongoing maintenance program for all town transportation facilities. As such, bikeway network maintenance should be adequately funded. In addition to maintenance funds from general revenue, the Town may also want to consider pursuing other methods of securing funding for bikeway and pathway maintenance. Examples of alternative funding include "adopt-a-trail" programs, implementing recreational fees on the purchase of recreational equipment in the town, project-specific fundraising, and the sale of town-developed bicycle maps. The Transportation Authority of Marin has undertaken development of maintenance strategies for countywide pathways which may provide insights into development of a similar program for bikeways in Corte Madera.

Intersection and Bikeway Spot Improvement Program

The Town should ensure that a mechanism exists to evaluate the bikeway network, to alleviate potential hazards and to improve conditions for bicyclists at specific intersections and locations. Training should be provided if necessary to ensure that public works employees recognize bicycle hazards such as:

- Improperly designed or placed drainage grates
- Cracks or seams in the pavement
- Overhanging tree limbs or other obstacles located along bikeways
- Areas where lane changes are difficult (e.g., bicycle lane to left-turn pocket)
- Signal timing problems (e.g. green phase too short)
- Locations where motor vehicle traffic blocks bike facilities on a regular basis

4.7.5 Interchange Improvement Program

Freeway interchanges present conflict points between people driving and active transportation users. The Town should develop a program to identify interchange area improvements for bicyclists and pedestrians, and coordinate these improvements with Caltrans.

4.7.6 Integrate Bicycle Maintenance into DPW Maintenance Requests

In the future, all printed and online bicycle education materials and maps should include the Department of Public Works maintenance request website and phone number.

Complaint form:

<http://www.ci.corte-madera.ca.us/DocumentCenter/View/825>

Request form:

<http://www.ci.corte-madera.ca.us/DocumentCenter/View/826>

4.7.7 Periodically Analyze Bicycle Collision Data

The Town should evaluate bicycle collision data on an annual basis to determine if any specific intersection locations appear to have higher accident rates that could be due to design problems.

4.7.8 Bicycle Signal Detection Recommendations

As described in this plan, the Town of Corte Madera has no official policy regarding bicycle signal detection. The following recommendations are intended to expand the Town's existing bicycle signal detection efforts to include bicycles along all designated lanes/routes and at key intersections.

Calibrate Loop Detectors and Video Detection Devices

While detector loops and video detection facilitate faster and more convenient motorist trips, if they aren't calibrated properly or stop functioning, they can frustrate cyclists waiting for signals to change, unaware that their bicycle is not being detected. The Town should ensure that all existing loops and video detection devices are calibrated and operable for bicycle users.

Develop Policy of Installing Bicycle-Calibrated Loop Detectors or Video Detection with Bicycle Zones at Signalized Intersections

The Town should develop and adopt a policy of installing bicycle-calibrated loop detectors at intersections along designated bicycle routes as they are repaved. For new installations it is recommended that the Town continue to use Type D for lead loops in all regular travel lanes shared with bicycles. Within bicycle lanes it is recommended that the Town install bicycle loop detectors (BLDs) using narrow Type C loops.

Where video detection is currently or planned to be in use, it is recommended that the Town continue and expand its practice of incorporating additional detection zones for bicycles, especially for intersections with sidepaths, wide curb lanes or Class II bikeways. Video image detection should sense bicycles in all approach lanes and also on the left side of right-turn channelization islands. Some video systems can estimate approach speed, and this capability could be used to extend the green time for slow objects assumed to be bicycles.

Apply Pavement Stenciling to Indicate Detection Areas

Since most bicyclists, as well as motorists, do not know how loop detectors or video detection work, all detector loops and video detection areas expected to be used by cyclists should be marked by a pavement stencil such as the *Caltrans Standard Plan A24C* bicycle detection marking that shows cyclists where to stop to activate the loop or video detection. Educational materials distributed by the Town should describe how to activate bicycle detectors. Stencils should be repainted as needed along with other roadway markings.

4.7.9 Protect Bicycle Facilities from Removal

The Town should adopt and implement a practice that prohibits the removal of existing bikeway facilities. For example, Class II bicycle lane facilities should not be removed at a future date to increase motor vehicle capacity without a thorough study analyzing the alternatives and unless the bicycle accommodation is replaced by another facility of equal or greater utility to cyclists.

4.7.10 Multi-modal Connection Recommendations

The Town of Corte Madera should work with the Golden Gate Transit and Marin County Transit District to continue to expand bicycle access to transit. Bicycle travel to transit stops and stations should be enhanced in order to make the transfer between bicycle and transit travel as convenient as possible. Key components to enhancing transit-bicycle connections include: providing bicycle parking at transit stops, including bicycle racks at key bus stops and transfer points; providing educational materials regarding transit and bikes-on-transit, including maps to and from stations and stops. Improvements to bicycle rack

capacity on buses will benefit Corte Madera bicyclists who use Marin Transit and Golden Gate Transit. Primary obstacles are limited racks on buses and poor security for racks at bus stops.

4.7.11 Education Program Recommendations

Statewide trends show that the lack of education for bicyclists, especially younger students, continues to be a leading cause of collisions. Studies of collisions locations around California consistently show the greatest concentration of accidents is directly adjacent to elementary, middle, and high schools. Most education and encouragement programs and activities will likely be cooperative efforts between the Town of Corte Madera, the Central Marin Police Authority, the Marin County Sheriff, the County of Marin, the Transportation Authority of Marin, and local bicycle groups such as the Marin County Bicycle Coalition.

Continue and Expand Existing Education Programs

Existing school education programs should be continued, and funding for Safe Routes to School programming should be actively supported by Town officials. For adult education, the Town should work with law enforcement and the Marin County Bicycle Coalition to publicize local adult bicycle education and safety programs, including “Share the Road” and “Street Skills” classes. Corte Madera should continue to offer “Bicycle Traffic School” in the form of “Street Skills” classes in lieu of fines.

Educate Motorists

Motorist education on the rights of bicyclists and pedestrians is limited. Many motorists mistakenly believe, for example, that bicyclists do not have a right to ride in travel lanes, or do not understand the concept of sharing the road with bicyclists. The Town should support the education and enforcement efforts of the Central Marin Police Authority for both motorists and bicycles.

Shared-use Path and Trail Etiquette

Informing trail users of acceptable etiquette is a common issue when multiple user types are sharing a facility. Yielding the right-of-way is a courtesy and yet a necessary part of a safe trail experience involving multiple trail users. Trail right-of-way information should be posted at trail access points and along the trail. The message must be clear and easy to understand. The education of trail users is a critical part of creating a safe trail environment for all trail users.

Guidelines should be clearly posted at trail access points. Educational curricula, similar to the “Safe Routes to School” programs, could be used to encourage safe practices of various trail users. The purpose of trail etiquette is to promote user safety and enhance the enjoyment of all users. Common items that should be covered in trail etiquette curricula or programming include speed limits, restrictions on motor vehicles, courteous methods to pass others along the path, and managing pets on leashes.

4.7.12 Encouragement Program Recommendations

Encouragement programs are vital to the success of the *Corte Madera Bicycle and Pedestrian Plan*. Encouragement programs work to get more people out of their cars and bicycling and walking, which will help to reduce traffic congestion and air pollution, as well as improve the quality of life in Corte Madera. In addition to government efforts, involvement by the private sector in raising awareness of the benefits of bicycling is important and can range from small incremental activities by non-profit groups, to efforts by the largest employers in the Town. Specific programs are described below:

Bike Fairs and Races

Hosting bike fairs and races in Corte Madera can raise the profile of bicycling in the area and provide entertainment for all ages at the same time. Bike fairs and races, similar to bike-to-work day events and bike rodeos currently hosted by the Town provide an opportunity to educate and encourage current and potential bicyclists. These events can also bring visitors to Town of Corte Madera that may contribute to the local economy.

Bike-to-Work and Bike-to-School Days

The Town of Corte Madera participates in the annual Bike-to-Work day in May, in conjunction with the California bike-to-work week activities. Town staff should be present at energizer stations along the route to promote the plan and other programs. The Town may also consider implementing bike-to-school days.

4.7.13 Corte Madera Bicycle Facilities Map

Producing a bicycle facilities map is the primary tool for showing bicyclists all the designated bikeways in Corte Madera. On a regular basis, the Town of Corte Madera should work produce a Corte Madera-specific bicycle map. The Corte Madera Bicycle Map should clearly show the type of facility (path, lane, or route) as well as include basic safety information, significant destinations, and location of bicycle parking facilities, public bathrooms, water fountains, transit stops, and bicycle facilities in the neighboring communities. Selling advertising space on the map to local restaurants, shops and bicycle stores could offset the cost of developing and printing. The map could also be sold for a nominal fee. Distribution points for the map include: Town offices, the libraries, the community center, local schools, bicycle shops and other recreational retail outlets. In addition, the Town should work with Google Maps, OpenStreetMap, and other online map application program interfaces (APIs).

5 Pedestrian Element

Pedestrian infrastructure in Corte Madera currently connects residents and visitors to key destinations; however, major gaps in the pedestrian network remain.

5.1 Proposed Pedestrian Network

As shown in this plan, Corte Madera's current pedestrian system provides some opportunities to improve connectivity. Details on proposed projects and cost estimates can be found in Table 5-1 and Table 5-2. The combined cost for all projects is \$2,284,000. It is important to note the three following assumptions about the cost estimates. First, all cost estimates are highly conceptual, since there is no feasibility or preliminary design completed, and second, the design and administration costs included in these estimates may not be sufficient to fund environmental clearance studies. Finally, costs estimates are a moving target over time as construction costs escalate quickly.

All the projects are recommended to be implemented over the next 2 to 20 years, or as funding becomes available. In addition, many funding sources are highly competitive, and therefore impossible to determine exactly which projects will be funded by which funding sources. Timing of projects is also something difficult to pinpoint exactly, due to the dependence on competitive funding sources and, timing of roadway and development, and the overall economy.

Proposed pedestrian facilities focus on intersection and mid-block crossings. Intersections along Tamalpais Drive and Wornum Drive are particularly problematic. Figure 5-1 shows the proposed pedestrian project.

In addition to sidewalks and intersection treatments, Corte Madera's hillsides are host to staircases and earth trails that climb the Chapman and Christmas Tree Hill areas. These paths provide an important link between residential streets and allow local residents pedestrian access to Old Corte Madera Square, Town Hall, and Town Park. These paths also provide convenient points of access to regional open space and hiking areas, as well as alternative emergency evacuation routes.

Table 5-1: Proposed Pedestrian Intersection Projects

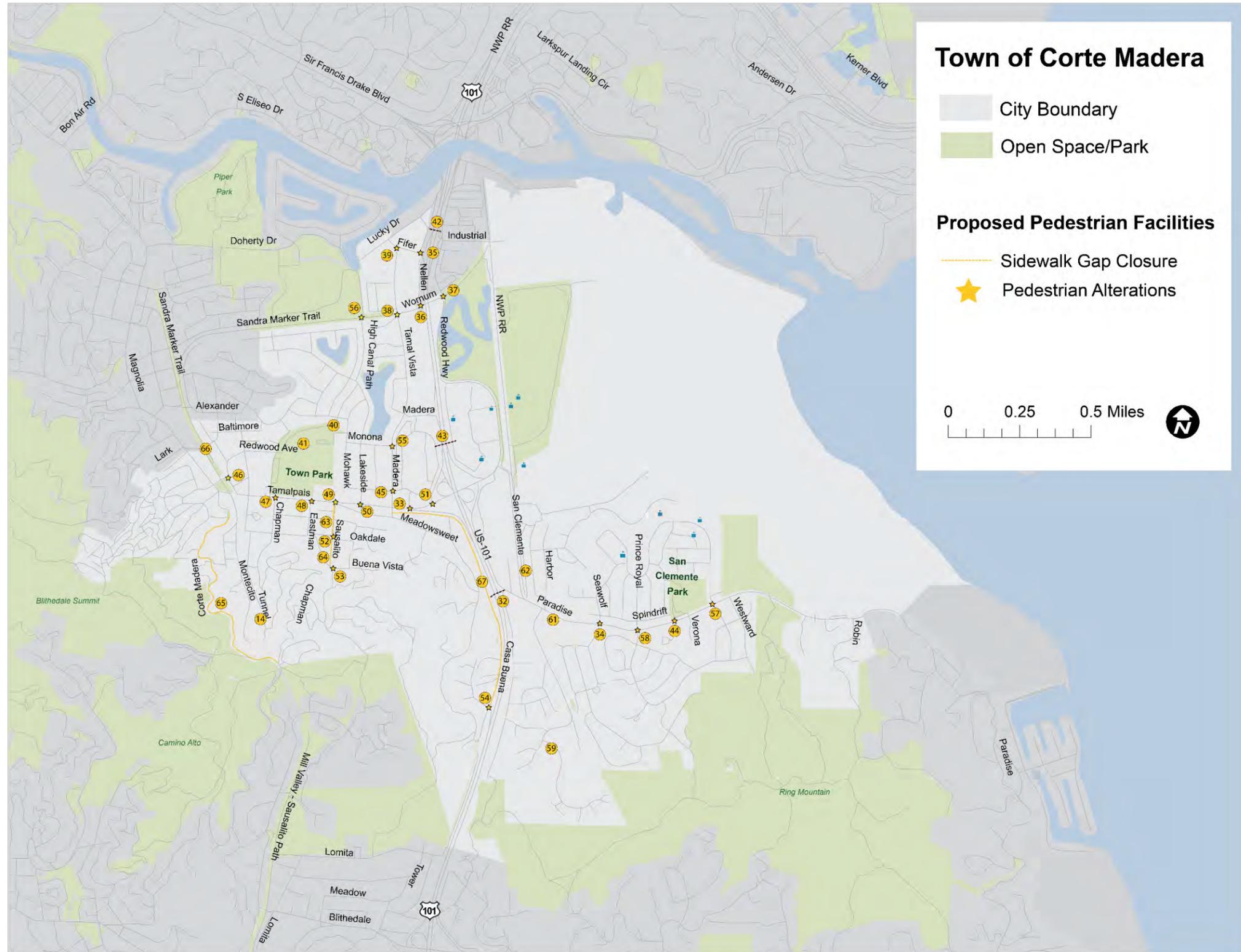
Primary Street	Secondary Street	Description	Cost
Paradise Drive	Verona Place (west)	Project #44: Study feasibility of mid-block crossing.	\$7,000
Mohawk Avenue	Madera Boulevard	Project #45: Install flashing beacons at north crosswalk; consider trimming vegetation.	\$60,000
Redwood Avenue	Montecito Drive	Project #46: Install pedestrian intersection alteration concepts (currently under study).	\$70,000
Tamalpais Drive	Chapman Drive	Project #47: Install pedestrian intersection alteration concepts (currently under study).	\$70,000
Tamalpais Drive	Eastman Avenue	Project #48: Install pedestrian intersection alteration concepts (currently under study).	N/A
Tamalpais Drive	Sausalito Street	Project #49: Install pedestrian intersection alteration concepts (currently under study).	\$70,000
Tamalpais Drive	Lakeside Drive	Project #50: Install pedestrian intersection alteration concepts (currently under study).	\$70,000
Tamalpais Drive	US 101 SB Off-Ramp	Project #51: Coordinate with Caltrans to install high-visibility crosswalks on north and west legs.	\$10,000
Sausalito Drive	Oakdale Avenue	Project #52: Study high-visibility crosswalk at south leg.	\$5,000
Buena Vista Avenue	Sausalito Street	Project #53: Install high-visibility crosswalk at west leg	\$5,000

Primary Street	Secondary Street	Description	Cost
Casa Buena Drive	Meadow Valley Road	Project #54: Study potential for pedestrian intersection alterations.	\$5,000
Madera Boulevard	Monona Drive	Project #55: Study potential for pedestrian intersection alterations.	\$5,000
Sandra Marker Trail	High Canal Path	Project #56: Add yield pavement markings/signage.	\$2,000
Paradise Drive	Golden Hind Passage	Project #57: Install pedestrian crossing/safety alterations (includes restriping of the crosswalk as well as the addition of a left turn pocket).	\$75,000
Paradise Drive	Prince Royal Passage	Project #58: Install pedestrian crossing alterations (includes bulb outs, rectangular rapid flashing beacons, median island, and restriping of crosswalks)	\$150,000
Madera del Presidio Drive	Meadow Ridge Drive	Project #59: Install pedestrian crossing improvements (includes narrowing of lanes, addition of crosswalk, RRFBs, and signage).	\$100,000
Paradise Drive	Harbor Boulevard	Project #60: Increase sight lines and widen sidewalk at the northwest corner.	\$10,000
San Clemente Drive	Between Redwood Highway/Tamalpais Drive and Paradise Drive	Project #61: Study potential for mid-block crossing, median refuge island, and additional traffic calming measures.	\$15,000
Total			\$729,000

Table 5-2: Proposed Pedestrian Segment and Wayfinding Projects

Route	Begin	End	Description	Length (miles)	Cost
Sausalito Street	Tamalpais Drive	Oakdale Avenue	Project #63: Construct southbound sidewalks	0.12	\$70,000
Sausalito Street	Oakdale Avenue	Buena Vista Avenue	Project #64: Construct northbound sidewalks	0.09	\$50,000
Corte Madera Avenue	California Lane	Chapman Drive	Project #65: Construct sidewalk on west side of Corte Madera Avenue	0.85	\$1.4 million
Town Gateway Signage	N/A	N/A	Project #66: Consider changing town gateway signage to read, "Welcome to Corte Madera"	N/A	\$15,000
Casa Buena Drive	Sanford Street	Meadowsweet Drive	Project #67: Study and construct of sidewalks on west side of Casa Buena Drive along the full length of the roadway.	1.04	\$20,000
Total				2.10	\$1,555,000

Figure 5-1: Proposed Pedestrian Projects



5.2 Recommended Pedestrian Programs & Policies

This section outlines priority actions for improving walking in Corte Madera, with a focus on meeting plan objectives, including the strong desire to improve safety while maintaining existing infrastructure. The following sections summarize positive actions that can be undertaken or considered as part of this plans' implementation using the "Five E's" of transportation planning: *engineering, education, enforcement, encouragement, and evaluation.*

5.2.1 Engineering

The Town should adopt a more rigorous policy for pedestrian accommodation, including specific streets (e.g., all minor and collector arterials) where ADA-compliant sidewalks or pathways are a priority. These recommendations should be included in the Town's Standard Specifications as permitted/desired treatments.

5.2.2 Education

Partnering with local student groups can provide youth engagement opportunities, bring enthusiasm to projects, and help build community buy-in. Environment-focused groups, such as the Corte Madera Park and Recreation Department or the Conservation Corps North Bay, may be natural partners for the goals of increasing active transportation in Corte Madera.

5.2.3 Encouragement

Residents and community members are excellent resources for garnering support and enthusiasm for pedestrian facility improvements. The Town could work with volunteers to substantially reduce implementation and maintenance costs, particularly for unpaved walkways. Local schools, community groups, or dedicated neighbors group may help sponsor projects, possibly by working with a local designer or engineer. Work parties can be formed to help clear right-of-way where needed. Local construction companies can donate or discount services. Potential volunteers include neighborhood and other community groups, including Boy Scouts of America, for a community-service project.

Create a strong pedestrian culture that welcomes and celebrates walking through:

- Support local advocacy groups and reach out to local schools or groups in order to promote pedestrian-related projects and to maximize public-private funding opportunities such as development of walking maps and/or path maintenance.
- Support bike-to-work and walk-to-work Days by hosting energizer stations and by promoting the events through available media outlets.
- Support International Walk and Roll to School Day in October through coordinated efforts with Corte Madera schools.
- Consider partnering with MCBC to start a "bells for trails" campaign in which free bells are distributed along Class I Shared-use Paths.

5.2.4 Enforcement

Strive to improve safety for all users by:

- Consider a 15/20 MPH zone speed limit for application in select school zones
- Conduct crosswalk safety analyses in areas with reported issues.
- Communicate safe and appropriate rules of the road for all roadway users through targeted enforcement and education.
- Encourage Corte Madera public and private schools to fund crossing guards to assist with active school commutes.

5.2.5 Evaluation

Continue to use the B/PAC to evaluate the progress of plan implementation.

Data Collection

Pedestrian counts are important because they provide documentation of actual pedestrian activity, allowing the Town to make informed decisions to target improvements in areas where they will be most beneficial. Project-specific “before and after” counts are also valuable to assess progress in encouraging active transportation, and are increasingly required to compete for outside grant funding (including the statewide Active Transportation Program, or ATP).

- Create a program to conduct regular pedestrian data collection efforts at strategic screen lines to assess activity level trends.
- Update town wide traffic counts for all modes, including automobile counts, to assist the feasibility and design for including pedestrian facilities in new projects.
- Create and maintain a regularly updated sidewalk inventory and sidewalk condition database, as well as a maintenance plan to address identified issues.

6 Project Prioritization

Once a bikeway and pedestrian network has been identified, the next challenge is to identify the priority projects that will offer the greatest benefit to bicyclists and pedestrians once they are implemented. The project prioritization in the following section was developed through a qualitative analysis based on stated priorities of the B/PAC and Town staff, priorities communicated by the public at the *Town of Corte Madera Bicycle and Pedestrian Plan* public workshops held on October 9, 2014 and March 12, 2015, priorities from the 2008 *Corte Madera Bicycle Transportation Plan*, and the criteria detailed below.

- **Continuity** – Does the project provide new or significantly improved connectivity on established corridors or between major activity areas that does not currently exist or is not currently usable by the general public?
- **Gap Closure** – Does the project provide a new connection between major activity centers or on a major corridor that currently either does not exist or has convenience/safety issues?
- **Demand Patterns** – Does the project serve a significant existing or potential demand, as evidenced by (a) counts or observed activity, (b) comments from the public, (c) connectivity and proximity to major generators, and/or (d) projections from an acceptable demand model?
- **Safety** – Does the project address a significant safety concern in a community as evidenced by collision data, field observations, and/or public perception and comments?
- **Project Readiness** – Are the key feasibility issues of the project (right-of-way, environmental impacts, engineering issues, cost issues, neighborhood support) understood and not expected to negatively affect or delay the project? Has any formal feasibility study, engineering or design been conducted?
- **Multi-Modal Integration** – Does the project provide enhanced connectivity to existing transit services?
- **Cost/Benefit analysis** – Will the project provide the greatest benefit to cyclists and/or pedestrians for the amount of investment required to build it?

It is important to remember that the lists of bikeway and pedestrian projects and programs are flexible concepts that serve as guidelines to those responsible for implementation. The priority projects list, and perhaps even the overall system and segments themselves, may change over time as a result of changing bicycling patterns and implementation constraints and opportunities. Project prioritization is not meant as an absolute value, rather as an indication of project's relative importance only. These priorities should be considered a living document. The B/PAC and Town staff should review the priority projects list on an annual basis to ensure that it reflects the most current priorities, needs, and opportunities for implementing the bikeway network in a logical and efficient manner. In particular, the list should be adjusted to take advantage of all available funding opportunities and grant cycles. As projects are implemented and taken off the list, new projects should be moved up into priority projects status.

Based on the prioritization criteria, the following projects are priorities for the Town:

6.1.1 Class I Bikeway Priorities

1. [Multi-use trail along the south side of Paradise Drive from Westward Drive to Upland Circle](#)
2. [Multi-use trail along the north side of Paradise Drive from San Clemente Drive to Prince Royal Passage](#)
3. [Corte Madera Town Park Pathway – Tamalpais Drive to Neil Cummins Elementary School](#)

6.1.2 Class II Bikeway Priorities

1. [Tamalpais Drive – San Clemente Drive to Redwood Avenue](#)
2. [Casa Buena Drive – Sanford Street to Meadowsweet Drive](#)
3. [Tamal Vista Boulevard \(northbound\)– Fifer Avenue to Madera Boulevard*](#)
4. [Sanford Street – Tamalpais Drive to Meadowsweet Drive](#)

6.1.3 Class III Bikeway Priorities

1. [Tamal Vista Boulevard \(southbound\) – Fifer Avenue to Madera Boulevard*](#)
2. [Meadowsweet Drive – Tamalpais Drive to Casa Buena Drive](#)

6.1.4 Other Bicycle Project Priorities

1. [Paradise Drive – US 101 – Casa Buena Drive Overcrossing](#)
2. [Tamal Vista Boulevard/Wornum Drive intersection alterations](#)

6.1.5 Pedestrian Project Priorities

1. [Paradise Drive at Golden Hind Passage](#)
2. [Intersections along Tamalpais Drive \(at Chapman Drive, Eastman Avenue, Sausalito Street, Lakeside Drive, Meadowsweet Drive, and US 101 SB Off-Ramp\) and Redwood Avenue \(at Montecito Drive\)](#)
3. [Paradise Drive at Prince Royal Passage Pedestrian Crossing Enhancements](#)

* Study potential for southbound Class II on Tamal Vista Boulevard from Madera Boulevard to Wornum Drive.

7 Plan Implementation

This chapter identifies steps towards implementation of the proposed facilities and programs identified in this plan, the estimated costs for the proposed improvements and maintenance, and strategies on funding and financing.

The steps between the network improvements and concepts identified in this plan and the final completion of the improvements will vary from project to project, but typically include:

- Adoption of the *Corte Madera Bicycle and Pedestrian Plan* by the Corte Madera Town Council
- Conduct public outreach
- Preparation of a feasibility study involving a conceptual design (with consideration of possible alternatives and environmental issues) and cost estimate for individual projects as needed
- Secure, as necessary, outside funding and any applicable environmental approvals
- Consider the parking needs of businesses and residents in the development of new bicycle lanes through a thorough community engagement process
- Approval of the project by the Town Council, including the commitment by the latter to provide for any unfunded portions of project costs
- Include project in the Town's Capital Improvement Plan
- Completion of final plans, specifications and estimates, advertising for bids, receipt of bids and award of contract(s)
- Construction of project
- Monitor project performance (bicycle and pedestrian counts)

8 Maintenance

Maintenance costs for the bikeway and pedestrian network are relatively low. As part of the normal roadway maintenance program, extra emphasis should be put on keeping the bike lanes and roadway shoulders clear of debris and keeping vegetation overgrowth from blocking visibility or creeping into the roadway, such as frequent sweeping schedules for roadways on the bikeway network. As required under the town code, the costs to maintain the sidewalk network are the responsibility of property owners. Intersection and crossing projects will also be treated as part of the normal roadway maintenance program.

9 Marketing the Plan

The success of the *Corte Madera Bicycle and Pedestrian Plan* depends largely on the community's acceptance and promotion of the plan's contents. Town departments and commissions should incorporate the policies, objectives and spirit of the plan into their respective projects and responsibilities. The following steps will help ensure the plan becomes a living document, helping shape Corte Madera's future.

- Distribute copies of the plan to members of the Planning Commission, B/PAC, Parks and Recreation Department, and Department of Public Works.
- Provide copies of the Town of Corte Madera's bicycle facilities map to local schools, bicycle and recreational groups, transit agencies, bicycle shops and major employers.
- Post the plan on the Town's website.
- Publish a press release about the adoption of the plan.
- Provide copy of plan to public libraries.
- Reference elements of the plan in staff reports for relevant Town Council legislation.
- Provide regular reports to Town Council regarding the implementation of the plan.

Appendix A: Funding Sources

This chapter provides information on potential funding sources for bicycle and pedestrian improvements. Federal, state and local government agencies invest billions of dollars every year in the nation's transportation system. Only a fraction of that funding is used in development projects, policy development and planning to improve conditions for pedestrians and bicyclists. Even though appropriate funds are limited, they are available. To support agency efforts to find outside funding sources to implement bicycle and pedestrian improvements, a summary by source type is provided below.

Federal Sources

Fixing America's Surface Transportation (FAST) Act

Enacted in December 2015, the Fixing America's Surface Transportation (FAST) Act dedicates a combined \$305 billion from the Highway Trust Fund (HTF) and the General Fund (GF) of the United States Treasury to fund federal highway, highway safety, transit, and rail programs for fiscal years (FY) 2016-2020. The FAST Act replaces the Moving Ahead for Progress in the 21st Century Act (MAP-21) and represents the federal government's first long-term comprehensive surface transportation legislation since 2005. Compared to MAP-21, the FAST Act contains a 15 percent increase in highway investment (\$233 billion), an 18 percent increase in transit funding (\$49 billion), and an equivalent level of federal passenger rail investment (\$10 billion) over the five year period. The FAST Act will provide every state a 5.1 percent increase in formula funds in FY 2016 followed by annual increases ranging from 2.1 percent in FY 2014 to 2.4 percent in FY 2017.

National Highway Performance Program (NHPP)

The NHPP is the most significant highway program, receiving 63.7 percent of formula funds remaining after funding is provided for the Congestion Mitigation & Air Quality (CMAQ) Program, metropolitan planning, and national freight programs. The FAST Act will add two permissible uses for NHPP funds: to pay subsidy and administrative costs for Transportation Infrastructure Finance and Innovation Act (TIFIA) projects and for improvements to bridges that are not on the National Highway System.

Surface Transportation Block Grant Program (STBGP)

The FAST Act expands the existing Surface Transportation Program (STP) into the STBGP which places more decision-making power in the hands of state and local governments. The FAST Act simplifies the list of uses eligible for program funds and increases the ways that funds can be used for local roads and rural minor collectors. The new program requires 55 percent of program funds be distributed within each state on the basis of population, compared to 50 percent under STP. In addition, \$835 million to \$850 million of funding is set aside for the transportation alternatives program, which supports a variety of pedestrian, bicycling, and environmental activities. The bill requires states to invest the same amount each year in recreational trails as invested in 2009, although states are able to opt out of the Recreational Trails Program. The STBGP receives the same 29.3 percent of formula funds under the FAST Act as STP did under MAP-21.

STBGP Set-aside

What used to be the Transportation Alternatives Program (TAP) under MAP-21, which included the Transportation Enhancements, Safe Routes to School, and Recreational Trails programs, is now the Surface Transportation Block Grant Set-aside Program. These funds may be used for a variety of pedestrian, bicycle, and complete street projects including sidewalks, bikeways, multi-use paths, and rail-trails. The FAST Act changes funding for this program from 2 percent of annual apportionments (about \$820 million per year) to a flat \$835 million in FY 2016 and FY 2017 and then to \$850 million per year thereafter. The FAST Act also expands eligible recipients for funds to include nonprofits responsible for administration of local transportation safety programs and requires annual reports from state and local planning organizations on the number of project applications and awards.

Highway Safety Improvement Program (HSIP)

The FAST Act eliminates the ability of states to shift funds designated for infrastructure safety programs to behavioral or educational activities, ensuring resources remain in construction-related programs. It also designates several new safety improvements eligible for funding including vehicle-to-infrastructure communication and roadway improvements that provide separation between pedestrians and motor vehicles.

With regards to unpaved roads, the FAST Act allows states to “opt out” of collecting safety inventory data for unpaved/gravel roads if certain conditions are met, as long as the states continue to collect data related to serious crashes and fatalities. It also requires that U.S. DOT to review data and report to Congress on best practices for roadway infrastructure improvements that enhance commercial motor vehicle safety.

Nationally Significant Freight and Highway Projects Program

This program will provide an average of \$900 million per year in grants of at least \$25 million for highway, bridge, rail-grade crossing, intermodal and freight rail projects costing more than \$100 million that improve movement of both freight and people, reduce bottlenecks, and improve intermodal connectivity. Projects will be awarded competitively, with at least 25 percent of funds to be spent in rural areas.

Transportation Investments Generating Economic Recovery

The Transportation Investment Generating Economic Recovery (TIGER Discretionary Grant Program) provides a unique opportunity for the U.S. Department of Transportation to invest in road, rail, transit and port projects that promise to achieve critical national objectives. The U.S. Congress has dedicated more than \$4.1 billion to the program since inception: \$1.5 billion for TIGER I, \$600.0 million for TIGER II, \$526.9 million for FY2011, \$500.0 million for FY2012, \$473.8 million for FY2013, and \$600.0 million for the FY2014 round to fund projects that have a significant impact on the nation, a region or a metropolitan area. The TIGER Discretionary Grant Program's highly competitive process, galvanized by tremendous applicant interest, has allowed USDOT to fund 271 innovative capital projects throughout the nation. Each project is multi-modal, multi-jurisdictional or otherwise challenging to fund through existing programs. The TIGER Discretionary Grant Program enables USDOT to use a rigorous process to select projects with exceptional benefits, explore ways to deliver projects faster and save on construction costs,

and make investments in the nation's infrastructure that make communities more livable and sustainable. Many awards have been made to construct bicycle and pedestrian infrastructure, including projects in Atlanta, GA, Birmingham, AL, Fresno, Indianapolis, IN, and Philadelphia, PA.

Partnership for Sustainable Communities

Founded in 2009, the Partnership for Sustainable Communities is a joint project of the Environmental Protection Agency (EPA), the U.S. Department of Housing and Urban Development (HUD), and the U.S. Department of Transportation (USDOT). The partnership aims to “improve access to affordable housing, provide more transportation options, and lower transportation costs while protecting the environment in communities nationwide.” The Partnership is based on five Livability Principles, one of which explicitly addresses the need for bicycle and pedestrian infrastructure - “Provide more transportation choices: Develop safe, reliable, and economical transportation choices to decrease household transportation costs, reduce our nation’s dependence on foreign oil, improve air quality, reduce greenhouse gas emissions, and promote public health.” The Partnership is not a formal agency with a regular annual grant program. Nevertheless, it is an important effort that has already led to some new grant opportunities (including the TIGER grants). MCOG and Caltrans should track Partnership communications and be prepared to respond proactively to announcements of new grant programs.

More information: <http://www.epa.gov/smartgrowth/partnership/>

Rivers, Trails, and Conservation Assistance Program

The Rivers, Trails and Conservation Assistance Program (RTCA) is the community assistance arm of the National Park Service. RTCA provides technical assistance to communities in order to preserve open space and develop trails. The assistance that RTCA provides is not for infrastructure, but rather building plans, engaging public participation, and identifying other sources of funding for conversation and outdoor recreation projects.

More information: <http://www.nps.gov/pwro/rtca/who-we-are.htm>

Community Development Block Grants

The Community Development Block Grants (CDBG) program provides money for streetscape revitalization, which may be largely comprised of pedestrian improvements. Federal CDBG grantees may “use Community Development Block Grant funds for activities that include (but are not limited to): acquiring real property; reconstructing or rehabilitating housing and other property; building public facilities and improvements, such as streets, sidewalks, community and senior citizen centers and recreational facilities; paying for planning and administrative expenses, such as costs related to developing a consolidated plan and managing Community Development Block Grant funds; provide public services for youths, seniors, or the disabled; and initiatives such as neighborhood watch programs.” Trails and greenway projects that enhance accessibility are the best fit for this funding source. CDBG funds could also be used to write ADA Transition Plans. More information: www.hud.gov/cdbg

Community Transformation Grants

Community Transformation Grants administered through the Centers for Disease Control (CDC) support community-level efforts to reduce chronic diseases such as heart disease, cancer, stroke, and diabetes. Active transportation infrastructure and programs that promote healthy lifestyles are a good fit for this program, particularly if such improvements benefit groups experiencing the greatest burden of chronic disease.

More information: <http://www.cdc.gov/communitytransformation/>

National Scenic Byways Program

The Federal Highway Administration (FHWA), part of the USDOT manages the National Scenic Byways Grant Program, which recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by providing grants that support projects that manage and protect these roads and improve visitor facilities.

More information: <http://www.fhwa.dot.gov/discretionary/2012nsbp.cfm>

Federal Recovery Act State Fiscal Stabilization Funding

As part of the Federal Recovery Act of 2009, states will be receiving \$53.6 billion in state fiscal stabilization funding. States must use 18.2% of their funding – or \$9.7 billion – for public safety and government services. An eligible activity under this section is to provide funding to K-12 schools and institutions of higher education to make repairs, modernize, and make renovations to meet green building standards. The Leadership in Energy and Environmental Design (LEED) Green Building Rating System, developed by the U.S. Green Building Council (USGBC), addresses green standards for schools that include bicycle and pedestrian facilities and access to schools. Another \$5.0 billion is provided for the Energy Efficiency and Conservation Block Grant Program. This provides formula funding to cities, counties and states to undertake a range of energy efficiency activities. One eligible use of funding is for bicycle and pedestrian infrastructure.

More information: <http://www2.ed.gov/policy/gen/leg/recovery/factsheet/stabilization-fund.html>

Smart City Challenge

The USDOT's Smart City Challenge will award up to \$40 million in federal funding to a mid-size city (200,000 to 850,000 people within city limits) to conduct a "Smart City Demonstration" in an effort to encourage cities to test how creative ideas involving transportation data, technologies, and applications can be integrated with existing systems in a city to address transportation challenges. The USDOT will issue two separate solicitations to carry out this challenge. This solicitation will result in selection of an estimated five Smart City Challenge finalists who will receive funding to support concept development and planning activities. The second solicitation will invite the Smart City Challenge finalists to apply for funding to support implementation of their proposed demonstration.

State Sources

Active Transportation Program

The California State Legislature consolidated a number of state-funded programs centered on active transportation into a single program. The resulting Active Transportation Program (ATP) consolidated the federal programs, Bicycle Transportation Account, the Safe Routes to Schools Program, and the Recreational Trails Program. The ATP's authorizing legislation (signed into law by the Governor on September 26, 2013) also includes placeholder language to allow the ATP to receive funding from the newly established Cap-and-Trade Program in the future. The Statewide Competitive ATP will have \$180 million available statewide for the 2014/2015 and 2015/2016 fiscal cycles. The Regional Competitive ATP will have \$30 million available for the Metropolitan Transportation Commission (MTC) region 2014/2015 and 2015/2016 fiscal cycles. The California Transportation Commission writes guidelines and allocates funds for the ATP, while the ATP will be administered by the Caltrans Division of Local Assistance. Goals of the ATP are currently defined as the following:

- 1) Increasing the proportion of trips accomplished by biking and walking;
- 2) Increasing safety and mobility for active transportation users;
- 3) Advancing active transportation efforts of regional agencies to achieve the greenhouse gas reduction goals;
- 4) Enhancing public health;
- 5) Ensuring that disadvantaged communities fully share in the benefit of the program; and,
- 6) Providing a broad spectrum of projects to benefit many types of active transportation users.

More information: <http://www.dot.ca.gov/hq/LocalPrograms/atp/index.html>

State Highway Operations & Protection Program

The State Highway Operations and Protection Program (SHOPP) is a four year program that funds projects on the state highway system to maintain and preserve the asset. The program is primarily funded by federal highway trust funds. The federal funds that make up the SHOPP are National Highway Performance Program (NHPP), the Surface Transportation Program (STP), and the Highway Safety Improvement Program (HSIP). The new federal act, Fixing America's Surface Transportation (FAST) Act, requires that states implement targets based on performance measures that will be forthcoming. This will dictate how funds need to be programmed based on meeting the targets. The emphasis of the federal bill is to maintain and/or improve the current asset condition and to address the safety needs. The cycle includes identification of rehabilitation and reconstruction needs in the ten year plan, the estimation of available funding in the fund estimate, and finally a financially-constrained portfolio of projects in the four-year SHOPP. As required by statutes, the SHOPP is updated every two years. The SHOPP project funding process is internal to Caltrans. SHOPP projects are originally scoped through the ten year SHOPP plan process. The ten year SHOPP plan has a fiscally-constrained list of program areas that have

specific estimated amounts of funding. The determination of the balance of funds for each of the areas is based on federal funding programs, priorities as agreed between the Caltrans and the CTC, and direction from the Caltrans SHOPP Executive Committee. The priorities are:

1. Collision reduction, major damage restoration, and mandates such as ADA and storm water management
2. Pavement, bridge, roadside, and facility preservation
3. Mobility

There is clearly not enough funding to fund the SHOPP needs and thus each category has constrained funding. More information:

<http://www.dot.ca.gov/hq/transprog/SHOPP/2014%20SHOPP/SHCC%20SHOPP%20issue%20paperpdf.pdf>

Caltrans Planning Grants

Caltrans also administers the Transportation Planning Grant Program that funds projects to improve mobility. In the past year, Caltrans awarded \$10.0 million in grant funding to 70 applicants, in two sub-categories: Environmental Justice grants and Community Based Transportation Plan grants.

More information: <http://www.dot.ca.gov/hq/tpp/grants.html>

Environmental Justice Grant Program

The Environmental Justice (EJ) Grant Program promotes the involvement of low-income, minority communities, and Native American tribal governments in the planning for transportation projects. EJ grants have a clear focus on transportation and community development issues to prevent or mitigate disproportionate, negative impacts while improving mobility, access, safety, and opportunities for affordable housing and economic development. Grants are available to cities, counties, transit districts, and tribal governments.

More information: http://www.dot.ca.gov/hq/tpp/offices/ocp/completed_projects_ej.html

Community Based Transportation Planning Grant Program

The Community Based Transportation Planning (CBTP) grant program promotes transportation and land use planning projects that encourage community involvement and partnership. These grants include community and key stakeholder input, collaboration, and consensus building through an active public engagement process. CBTP grants support livable and sustainable community concepts with a transportation or mobility objective to promote community identity and quality of life.

More information: http://www.dot.ca.gov/hq/tpp/offices/ocp/completed_projects_cbtp.html

Petroleum Violation Escrow Account

In the late 1970s, a series of federal court decisions against selected United States oil companies ordered refunds to the states for price overcharges on crude oil and refined petroleum products during a period of price control regulations. To qualify for Petroleum Violation Escrow Account (PVEA) funding, a project must save or reduce energy and provide a direct public benefit within a reasonable time frame. In the past, the PVEA has been used to fund programs based on public transportation, computerized bus routing and ride sharing, home weatherization, energy assistance and building energy audits, highway and bridge maintenance, and reducing airport user fees. In California, Caltrans Division of Local Assistance administers funds for transportation-related PVEA projects. PVEA funds do not require a match and can be used as match for additional federal funds.

More information: www.dot.ca.gov/hq/LocalPrograms/lam/prog_g/g22state.pdf

Office of Traffic Safety Grants

The Office of Traffic Safety (OTS) distributes grants statewide to establish new traffic safety programs or fund ongoing safety programs. OTS grants are supported by federal funding under the National Highway Safety Act and FAST. Grants are used to establish new traffic safety programs, expand ongoing programs or address deficiencies in current programs. Bicycle safety is included in the list of traffic safety priority areas. Eligible grantees are governmental agencies, state colleges, state universities, local town and county government agencies, school districts, fire departments, and public emergency services providers. Grant funding cannot replace existing program expenditures, nor can traffic safety funds be used for program maintenance, research, rehabilitation, or construction. Grants are awarded on a competitive basis, and priority is given to agencies with the greatest need. Evaluation criteria to assess need include potential traffic safety impact, collision statistics and rankings, seriousness of problems, and performance on previous OTS grants. The California application deadline is January of each year. There is no maximum cap to the amount requested; however, all items in the proposal must be justified to meet the objectives of the proposal.

More information: <http://www.ots.ca.gov/Grants/Apply/default.asp>

Environmental Enhancement and Mitigation Funds

The Environmental Enhancement Mitigation Program (EEMP) provides grant opportunities for projects that indirectly mitigate environmental impacts of new transportation facilities. Projects should fall into one of the following three categories: highway landscaping and urban forestry, resource lands projects, or roadside recreation facilities. Funds are available for land acquisition and construction. The local Caltrans district must support the project. The average award amount is \$250,000.

More information: <http://www.dot.ca.gov/hq/LocalPrograms/EEM/homepage.htm>

Land and Water Conservation Fund

The Land and Water Conservation Fund is a federal program that provides grants for planning and acquiring outdoor recreation areas and facilities, including trails. The fund is administered by the California State Parks Department. Cities, counties, and districts authorized to acquire and develop park and recreation space are eligible for grant funding. While non-profits are ineligible, they are allowed to apply in partnerships with eligible agencies. Applicants must fund the project entirely and will be reimbursed for half of the cost. Up to \$2.0 million was available in California in the 2012 round of grant funding.

More Information: http://www.parks.ca.gov/?Page_id=21360

California Strategic Growth Council

The Strategic Growth Council is a state agency that manages the Sustainable Communities Planning Grant and Incentives Program, as well as the Affordable Housing and Sustainable Communities (AHSC) program. The first program provides grants for development and implementation of plans that lead to significant reductions in greenhouse gas emissions, improve air and water quality, promote public health, promote equity, increase housing affordability, increase infill and compact development, revitalize urban and community centers, protect natural resources and agricultural lands, reduce automobile usage and fuel consumption, improve infrastructure systems, promote water conservation, promote energy efficiency and conservation, and strengthen the economy. The second program provides funding for land use, housing, transportation, and land preservation projects to support infill and compact development that reduces greenhouse gas emissions.

More information: http://sgc.ca.gov/m_grants.php

Climate Ready Grant Program - California State Coastal Conservancy

Climate Ready grants are intended to encourage local governments and non-governmental organizations to advance planning and implementation of on-the-ground actions that reduce greenhouse gas emissions and lessen the impacts of climate change on California's coastal communities. The grant program makes eligible "development of multi-use trails with clearly identified greenhouse gas (GHG) reduction goals; (and) protecting and managing open space lands with clearly identified GHG reduction goals." A total of \$1,500,000 is available on a competitive basis, with a minimum award of \$50,000 and a maximum of \$200,000. The size of awarded grants will be based on each project's needs, its overall benefits, and the extent of competing demands for funds. Applications were due November 17, 2014. It is not clear whether additional application solicitations will be made.

More information: <http://scc.ca.gov/webmaster/pdfs/Climate Ready Announcement3.pdf>

Regional & Local Sources

Developer Impact Fees

As a condition for development approval, municipalities can require developers to provide certain infrastructure improvements, which can include bikeway projects. These projects have commonly provided Class II facilities for portions of on-street, previously-planned routes. They can also be used to provide bicycle parking or shower and locker facilities. The type of facility that should be required to be built by developers should reflect the greatest need for the particular project and its local area. Legal challenges to these types of fees have resulted in the requirement to illustrate a clear nexus between the particular project and the mandated improvement and cost.

Roadway Construction, Repair and Upgrade

Future road widening and construction projects are one means of providing improved pedestrian and bicycle facilities. To ensure that roadway construction projects provide these facilities where needed, it is important that the review process includes input pertaining to consistency with the proposed system. In addition, California's 2008 Complete Streets Act and Caltrans's Deputy Directive 64 require that the needs of all roadway users be considered during "all phases of state highway projects, from planning to construction to maintenance and repair."

More information: http://www.dot.ca.gov/hq/tpp/offices/ocp/complete_streets.html

Utility Projects

By monitoring the capital improvement plans of local utility companies, it may be possible to coordinate upcoming utility projects with the installation of bicycle and pedestrian infrastructure within the same area or corridor. Often times, the utility companies will mobilize the same type of forces required to construct bikeways and sidewalks, resulting in the potential for a significant cost savings. These types of joint projects require a great deal of coordination, a careful delineation of scope items and some type of agreement or memorandum of understanding, which may need to be approved by multiple governing bodies.

Cable Installation Projects

Cable television and telephone companies sometimes need new cable routes within public right-of-way. Recently, this has most commonly occurred during expansion of fiber optic networks. Since these projects require a significant amount of advance planning and disruption of curb lanes, it may be possible to request reimbursement for affected bicycle facilities to mitigate construction impacts. In cases where cable routes cross undeveloped areas, it may be possible to provide for

new bikeway facilities following completion of the cable trenching, such as sharing the use of maintenance roads.

Marin County Measure A

A one-quarter cent retail transactions and use tax passed as Measure A in November 2012 to care for Marin's existing parks and open spaces, support regional community parks projects and programs, and further farmland preservation. An expenditure plan guides the use of the funds, as follows:

- 65 percent will be used by Marin County Parks to restore natural resources, maintain county parks and open space preserves, restore and improve public access, and protect natural lands.
- 20 percent will be dedicated to saving family farms and ranches through the purchase of agricultural conservation easements in voluntary transactions and landowners.
- 15 percent will be used by cities, towns, and applicable special districts to enhance and manage parks, nature preserves, recreation programs, and vegetation to reduce wildfire risk.

Several grant programs have been established to distribute funds including the Breathe/Respira Community Grant Program, Marin County Park and Open Space Program, and the City, Town, and Special District Program.

More information: <http://www.marincountyparks.org/depts/pk/about-us/main/measurea>

BAAQMD Grants

The Bay Area Air Quality Management District (BAAQMD) established several grant programs aimed at reducing emissions of oxides of nitrogen, reactive organic gasses, and particulate matter.

- Transportation Fund for Clean Air (TFCA) – provides grants to projects that implement the most cost-effective projects in the Bay Area that will decrease motor vehicle emissions, and thereby improve air quality. Projects must be consistent with the 1988 California Clean Air Act and the Bay Area Ozone Strategy.
- Environmental Justice Small Grants Program – provides up to \$20,000 in grants to eligible community-based grassroots organizations and federally recognized tribal governments that are located in areas adversely affected by environmental pollution and hazards and are involved in addressing environmental justice concerns.

More information: <http://www.baaqmd.gov/Divisions/Strategic-Incentives/Funding-Sources.aspx>

MTC Grants

The OneBayArea Grant Program (OBAG) established program commitments and policies for investing roughly \$800 million over the four-year Cycle 2 period (FY's 2012-13 through 2015-16), funded by federal funds authorized by Congress in Moving Ahead for Progress in the 21st Century (MAP-21), the predecessor to the current Fixing America's Surface Transportation (FAST) Act.

OBAG is a new funding approach that integrates the region's federal transportation program with California's climate law (Senate Bill 375, Steinberg, 2008) and the Sustainable Communities Strategy. Funding distribution to the counties will consider progress toward achieving local land use and housing policies by:

- Rewarding jurisdictions that accept housing allocations through the Regional Housing Need Allocation (RHNA) process and produce housing using transportation dollars as incentives.
- Supporting the Sustainable Communities Strategy for the Bay Area by promoting transportation investments in Priority Development Areas (PDAs) and by initiating a pilot program that will support open space preservation in Priority Conservation Areas (PCAs)
- Providing a higher proportion of funding to local agencies and additional investment flexibility by eliminating required program investment targets. The OBAG program allows flexibility to invest in transportation categories such as Transportation for Livable Communities, bicycle and pedestrian improvements, local streets and roads preservation, and planning activities, while also providing specific funding opportunities for Safe Routes to Schools (SR2s) and Priority Conservation Areas.

More information: <http://www.mtc.ca.gov/funding/onebayarea/>

San Francisco Bay Trail Grant Program

The Bay Trail offers grant funding to jurisdictions for planning, design, and construction of the Bay Trail, and has provided assistance to the Town of Corte Madera in the past (\$60,000 for the Corte Madera Bay Trail Feasibility Study). While funds associated with the current allocation from the Coastal Conservancy via Proposition 84 are fully committed, future measures may result in additional Bay Trail funding.

Private Sources

Private funding sources can be acquired by applying through the advocacy groups such as the League of American Bicyclists and the Bikes Belong Coalition. Most of the private funding comes from foundations seeking to enhance and improve bicycle facilities and advocacy. Grant applications will typically be through the advocacy groups as they leverage funding from federal, state and private sources. Following are several examples of private funding opportunities available.

PeopleForBikes Community Grant Program

PeopleForBikes (FKA Bikes Belong) is a coalition of bicycle suppliers and retailers that has awarded \$2.5 million in grants and leveraged an additional \$650.0 million since its inception in 1999. The program funds small corridor improvements, mountain bike trails, BMX parks, trail, and park access. PeopleForBikes also administers the Green Lane Project, which is a technical support and peer exchange program for U.S. cities working on the installation of protected bicycle lanes and cycle tracks. PeopleForBikes is funded through private donations.

More information: <http://www.peopleforbikes.org/pages/community-grants>

Bank of America Charitable Foundation, Inc.

The Bank of America Charitable Foundation is one of the largest in the nation. The primary grant program is called Neighborhood Excellence, which seeks to identify critical issues in local communities. Another program that applies to greenways is the Community Development Program, and specifically the Program Related Investments subcategory. This program targets low- and moderate-income communities and seeks to encourage entrepreneurial business development.

More information: <http://www.bankofamerica.com/foundation>

The Robert Wood Johnson Foundation

The Robert Wood Johnson Foundation was established as a national philanthropy in 1972, and today, it is the largest U.S. foundation devoted to improving the health and health care of all Americans. Grant making is concentrated in four areas:

- To assure that all Americans have access to basic health care at a reasonable cost
- To improve care and support for people with chronic health conditions
- To promote healthy communities and lifestyles
- To reduce the personal, social and economic harm caused by substance abuse: tobacco, alcohol, and illicit drugs

More information: <http://www.rwjf.org/applications/>

The Wal-Mart Foundation

The Wal-Mart Foundation offers a Local, State, and National Giving Program. The Local Giving Program awards grants of \$250 to \$5,000 through local Wal-Mart and Sam's Club Stores. Application opportunities are announced annually in February with a final deadline for applications in December. The State Giving Program provides grants of \$25,000 to \$250,000 to 501c3 nonprofits working within one of five focus areas: Hunger Relief & Nutrition, Education, Environmental Sustainability, Women's Economic Empowerment, or Workforce Development. The program has two application cycles per year: January through March and June through August. The Wal-Mart Foundation's National Giving Program awards grants of \$250,000 and more, but does not accept unsolicited applications.

More information: <http://foundation.walmart.com/apply-for-grants>

The Kodak American Greenways Program

The Conservation Fund's American Greenways Program has teamed with the Eastman Kodak Corporation and the National Geographic Society to award small grants (\$250 to \$2,000) to stimulate the planning, design and development of greenways. These grants can be used for activities such as mapping, conducting ecological assessments, surveying land, holding conferences, developing brochures, producing interpretive displays, incorporating land trusts, and building trails. Grants cannot be used for academic research, institutional support, lobbying or political activities.

More information: <http://www.conservationfund.org>

Community Action for a Renewed Environment (CARE)

CARE is a competitive grant program that offers an innovative way for a community to organize and take action to reduce toxic pollution in its local environment. Through CARE, a community creates a partnership that implements solutions to reduce releases of toxic pollutants and minimize people's exposure to them. By providing financial and technical assistance, EPA helps CARE communities get on the path to a renewed environment. Transportation and "smart-growth" types of projects are eligible. Grants range between \$90,000 and \$275,000.

More information: <http://www.epa.gov/care/>

Corporate Donations

Corporate donations are often received in the form of liquid investments (i.e. cash, stock, bonds) and in the form of land. Employers recognize that creating places to bike and walk is one way to build community and attract a quality work force. Bicycling and outdoor recreation businesses often support local projects and programs. Municipalities typically create funds to facilitate and simplify a transaction from a corporation's donation to the given municipality. Donations are

mainly received when a widely supported capital improvement program is implemented. Such donations can improve capital budgets and/or projects.

Other Sources

Local sales taxes, fees and permits may be implemented as new funding sources for pedestrian and bicycling projects, such as Measure A approved by voters in 2004. However, any of these potential sources would require a local election. Volunteer programs may be developed to substantially reduce the cost of implementing some routes, particularly multi use paths. For example, a local college design class may use such a multi-use route as a student project, working with a local landscape architectural or engineering firm. Work parties could be formed to help clear the right of way for the route. A local construction company may donate or discount services beyond what the volunteers can do. A challenge grant program with local businesses may be a good source of local funding, in which the businesses can “adopt” a route or segment of one to help construct and maintain it.

Appendix B: Municipal Code

Municipal Code – Bicycle Policies

8.20.040 - Required number of off-street bicycle parking spaces.

Bicycle parking spaces shall be required for all new commercial developments or multifamily residential developments, or for additions of over two thousand square feet to existing developments.

Required bicycle parking shall be calculated on the basis of new or added square footage only.

All bicycle parking spaces to be used after six p.m. shall have adequate security lighting. Bicycle parking spaces shall have minimum dimensions of two feet by six and one-half feet, and shall be designed to permit convenient locking of bicycles.

Bicycle parking spaces shall be provided at least in accord with the following schedule:

Use	Required bicycle parking spaces
Lodging house, hotel, motel, apartment or private club providing sleeping accommodation	0.2 spaces per unit, with a minimum of two spaces
Place of public assembly including church, community center, private club or lodge, auditorium (including school or college auditorium) or gymnasium	One space per 500 square feet
School	0.2 spaces per person
Theater	One space per 500 square feet
Medical or dental office	One space per 1,000 square feet
Other business office, technical service office, or administrative office	One space per 1,000 square feet
Retail stores and service establishments	One space per 1,000 square feet
Restaurant, soda fountain, bar, cocktail lounge, or similar establishment for the sale and consumption of food or beverages on the premises, not in a shopping center	One space per 400 square feet
Food store, grocery store, delicatessen, supermarket or similar use not in a shopping center	One space per 1,000 square feet
Shopping center, retail store or service establishment in the C-1, C-2, C-3, or C-4 commercial districts under 20,000 square feet in size	One space per 1,000 square feet

Use	Required bicycle parking spaces
Commercial amusement device establishment	One space per two commercial amusement devices
Shopping center, retail store or service establishment in the C-1, C-2, C-3, or C-4 commercial districts over 20,000 square feet in size	One space per 2,000 square feet
Commercial service enterprise, repair shop, wholesale establishment, commercial recreation, retail store handling only bulky merchandise such as furniture, household appliances or motor vehicles	One space per 2,000 square feet
Warehouse or other storage building or facility combined with a retail store, commercial service enterprise, repair shop or wholesale establishment	One space per 3,000 square feet
Manufacturing plant or other industrial use	One space per 2,000 square feet
Public building	One space per 1,000 square feet

(Ord. 785 § 3(b) (part), 1994) ;hn0; (Ord. No. 910, § 29, 4-21-2009)

10.12.040 - Bicycle or animal riders—Applicability of regulations.

Every person riding a bicycle or riding or driving an animal upon a highway has all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except those provisions which by their very nature can have no application.

(Ord. 461 § 3.3, 1966)

10.32.090 - Restrictions on use of freeways.

No person shall drive or operate any bicycle, motor driven cycle, or any vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by state law, nor shall any pedestrian walk across or along any such street so designated and described except in space set aside for the use of pedestrians, provided official signs are in place giving notice of such restrictions.

(Ord. 461 § 8.8, 1966)

5.26.040 - Definitions.

Terms used in this chapter are defined as follows:

- (1)"Average vehicle ridership (AVR)" means the number of employees who start work at a work site during the peak period divided by the number of vehicles those employees use to arrive at the work site, averaging over the survey week.
- (2)"Carpool" means a vehicle occupied by two to six people traveling together between their residence and their work site or destination for the majority of the total trip distance. Employees who work for difference employers, as well as nonemployed people, are included within this definition as long as they are in the vehicle for the majority of the total trip distance.
- (3)"Commute trip" means the trip made by an employee from home to the work site. The commute trip may include stops between home and the work site.

(4) "Compressed workweek" means a regular full-time work schedule which eliminates at least one round-trip commute trip (both home-to-work and work-to-home) at least once every two weeks. Examples include, but are not limited to, working three twelve-hour days (3/36) or four ten-hour days (4/40) within a one-week period; or eight nine-hour days and one eight-hour day (9/80) within a two-week period.

(5) "Disabled employee" means an employee with a physical impairment which prevents the employee from traveling to the work site by means other than a vehicle and the employee has been issued a disabled person placard or plate from the Department of Motor Vehicles.

(6) "Employee" means any person conducting a work activity for an employer twenty or more hours per week on a regular full-time, temporary or part-time basis. The term includes independent contractors. The term excludes field construction workers, field personnel, seasonal/temporary employees and volunteers.

(7) "Employee transportation coordinator (ETC)" means an employee, other individual or entity appointed by an employer to market, administer and monitor the employer trip reduction program or employer trip reduction plan on a full-time or part-time basis.

(8) "Employee transportation survey" means a questionnaire distributed by employers to employees designed to provide sufficient information to calculate AVR or VER for the work site.

(9) "Employer" means any person(s), trust, firm, business, joint stock company, corporation, partnership, association, nonprofit agency or corporation, educational institution, school district, hospital or other health care facility, or federal, state, state, city or county government department, agency or district, or any other special purpose public agency or district. A city, county, or city and county is a single employer for purposes of this rule, not individual departments or agencies of the city, county, or city and county. Individual departments or agencies of the state of California and the federal government are separate employers for purposes of this rule. The term includes for-profit, not-for-profit, and nonprofit enterprises. Several subsidiaries or units that occupy the same work site and report to one common governing board or governing entity or that function as one corporate unit are considered to be one employer. The term shall not include employers with no permanent work site within the town.

(10) "Employer program manager" means an employee with policy and budget authority who is responsible for the implementation of the employer trip reduction program or employer trip reduction plan and for fulfilling the requirements of this rule.

(11) "Employer trip reduction program" means a group of measures developed and implemented by an employer that is designed to provide transportation information, assistance and incentives to employees. The purpose of such measures is to reduce the number of motor vehicles driven to the work site by increasing AVR or decreasing VER. An employer trip reduction program may include, but is not limited to, any or all of the following services, incentives and measures:

(A) Ridesharing.

- (i) Carpool/vanpool matching,
- (ii) Preferential parking for carpools and vanpools,
- (iii) Carpool/vanpool financial subsidies or rewards,
- (iv) Employer-provided vehicles for carpools and/or vanpools,
- (v) Employer-sponsored vanpools,
- (vi) Rideshare marketing campaigns,
- (vii) Subsidy of vanpool liability insurance;

(B) Transit.

- (i) Work site transit ticket sales,
- (ii) Transit ticket subsidies, e.g., Commuter Check™,
- (iii) Transit route maps and schedules on-site,
- (iv) Shuttle to transit line (employer-sponsored or subsidized);

(C) Trip Elimination.

- (i) Compressed workweeks,

- (ii) Work-at-home programs,
- (iii) Telecommuting;
- (D) Parking Management.
 - (i) Charge for employee parking,
 - (ii) Elimination of any employer parking financial subsidy,
 - (iii) Transition from employer parking financial subsidy to general transportation monetary allowance for all employees,
 - (iv) Free or reduced parking rates for carpools and vanpools only;
- (E) Bicycle and Pedestrian.
 - (i) Bicycle financial subsidies or rewards,
 - (ii) Financial subsidy to employees for the purchase of bicycles for commute trip use,
 - (iii) Bicycle lockers or other secure, weather-protected bicycle parking facilities,
 - (iv) Bicycle access to building interior,
 - (v) Bicycle and/or walking route information,
 - (vi) On-site bicycle registration;
- (F) On-Site Facilities/Services.
 - (i) Employee shower facilities and clothes lockers,
 - (ii) Site modifications that would encourage walking, transit, carpool, vanpool and bicycle use,
 - (iii) On-site services to reduce mid-day vehicle trips, e.g., cafeteria, ATMs, apparel cleaning, etc.,
 - (iv) On-site transportation fair to promote commute alternatives;
- (G) Other.
 - (i) Membership in a transportation management association that provides services and incentives,
 - (ii) Establishment of employee committee to help design, develop and monitor the trip reduction program,
 - (iii) Guaranteed ride home program,
 - (iv) Financial subsidies or rewards for walking and other nonmotorized transportation modes,
 - (v) Shuttles between multiple work sites,
 - (vi) Providing child day care on/near work site,
 - (vii) Enhanced trip reduction efforts on forecast criteria pollutant exceedance days, e.g., the district's spare the air program.

(12) "Field construction worker" means an employee who reports for work to a temporary field construction site.

(13) "Field personnel" means employees who spend twenty percent or less of their work-time at the work site who do not report to the work site during the peak period for pickup and dispatch of an employer-provided vehicle.

(14) "Independent contractor" means an individual who enters into a direct written contract or agreement with an employer to perform certain services. The period of the contract or agreement is at least ninety days or is open-ended.

(15) "Local jurisdiction" means a city, county or public agency, including a public agency formed through a joint powers agreement, with authority to adopt, implement and enforce an employer trip reduction ordinance.

(16) "Peak period" means the time from six a.m. to ten a.m. Monday through Friday inclusive.

(17) "Seasonal/temporary employee" means an employee who works for the employer for less than ninety continuous days (three months) within a calendar year.

(18) "Single-occupant vehicle" means a vehicle occupied by one employee.

(19) "Survey week" means a regular five-day Monday through Friday (inclusive) work week. The survey week for work sites with Saturday and Sunday work schedules will include only those work

days Monday through Friday. The survey week cannot contain a federal, state or local holiday, regardless of whether the holiday is observed by the employer. A survey week that meets the above criteria is to be selected by the employer during January through May, or September through November. The survey week cannot be Rideshare Week or contain any other rideshare or transit promotional events, e.g., "Beat the Back-Up."

(20)"Telecommuting" means a system of working at home or at an off-site, nonhome telecommute facility for the full workday on a regular basis of at least one day per week.

(21)"Transportation management association" means an organization through which developers, property managers, employers and/or local jurisdictions cooperate in designing, implementing and assessing employer trip reduction programs or other transportation demand or system management programs and measures.

(22)"Vanpool" means a vehicle occupied by seven or more employees who commute together to work for the majority of their individual commute trip distance. Employees who work for different employers are included within this definition as long as they are in the vehicle for the majority of their individual trip distance.

(23)"Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a highway, except the following: (A) a device moved exclusively by human power; (B) a device used exclusively upon stationary rails or tracks; (C) buses used for public or private transit. Examples of vehicles include, but are not limited to, passenger cars, motorcycles, vans and pickup trucks.

(24)"Vehicle employee ratio (VER)" means the number of vehicles used by employees who start work at a work site during the peak period divided by the number of those employees averaged over the survey week. VER is the reciprocal of AVR.

(25)"Volunteer" means an individual who does not receive any wages, salary or other form of financial reimbursement from the employer for services provided.

(26)"Work activity" means any activity for which an employee receives remuneration from an employer. Telecommuting or work at home is a work activity.

(27)"Work site" means any property, real or personal, which is being operated, utilized, maintained or owned by an employer as part of an identifiable enterprise. All property on contiguous, adjacent or proximate sites separated only by a private or public roadway or other private or public right-of-way, served by a common circulation or access system, and not separated by an impassable barrier to bicycle or pedestrian travel such as a freeway or flood control channel, is included as part of the work site. If two or more employers each have one hundred or more employees at a single work site, then that work site is considered a separate work site for each employer.

These definitions are similar to those in Regulation [13](#) Transportation Control Measures, Rule 1 Trip Reduction Requirements for Long Employers approved on December 16, 1992 by Bay Area Air Quality Management District (BAAQMD). Any subsequent changes in definitions within Regulation [13](#) that occur in later revisions to the regulation will supersede the definitions contained in this chapter.

(Ord. 781 § 1 (part), 1993)

5.26.050 - Trip reduction requirements.

The following trip reduction requirements are in addition to and not in lieu of the Marin County CMA trip reduction requirements and are established and imposed upon employers within the town:

A. This chapter shall apply only to employers within the town with one hundred or more employees at an individual work site. Where such an employer has multiple work sites, only those sites which have one hundred or more employees are subject to this chapter.

B. Each employer subject to this chapter shall disseminate trip reduction information regarding transportation alternatives including carpools, vanpools, transit and bicycling and other methods of reducing trips such as telecommuting, compressed workweek and flexible work hours annually to each employee and to all new employees as they are hired.

C. Each employer subject to this chapter shall annually conduct an employee trip survey using a uniform survey form prepared by the Marin County CMA. A summary of the trip results shall be submitted annually to the town. Any survey procedures prepared for submission to and accepted by the BAAQMD shall serve as a valid survey for this chapter upon submission to the town.

D. Each employer subject to this chapter shall designate an employee transportation coordinator to be responsible for administering the employer requirements of this chapter.

(Ord. 781 § 1 (part), 1993)

28.020 - Prohibitions.

It is unlawful for any person to do any of the following on public property within the scope of [Section 9.28.010](#):

(9) No person shall operate, drive, ride upon or use any skates, in-line skates, scooters, skateboards, or bicycles on, in, or within the limits of Menke Park which includes the area bounded on the west by Corte Madera Avenue, bounded on the east by Montecito Drive, bounded on the north by Redwood Avenue, and bounded on the south by First Street;

(10) No person shall operate, drive, ride upon or use any bicycle, unicycle, or other wheeled vehicle, other than skates, in-line skates and skateboards in the fenced area of the Town Park Skatepark.

(Ord. 874 § 3, 2003; Ord. 868 § 1, 2001; Ord. 755 § 1, 1989; Ord. 530 §§ 1, 2, 3, 1970; Ord. 513 § 2, 1969)

12.04.055 - Encroachment permits for private parking facilities.

(5) The private parking facility will not impede sight distance within the right-of-way, has adequate backup room, will not block pedestrian or bicycle access, and otherwise will not adversely affect traffic safety or the public health, safety or welfare, cause other adverse traffic effects, or be injurious to other property in the vicinity.

Municipal Code – Pedestrian Policies

0.36.010 - Marked crosswalks establishment.

(a) The traffic engineer shall establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway at such places where the traffic engineer determines that there is particular hazard to pedestrians crossing the roadway subject to the limitation contained in subsection (b).

(b) Other than crosswalks at intersections, no crosswalk shall be established in any block which is less than four hundred feet in length and such crosswalk shall be located as nearly as practicable at mid-block.

(c) The traffic engineer may place signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross in the crosswalk so indicated.

(Ord. 461 § 9, 1966)

10.36.020 - When pedestrians must use crosswalks.

No pedestrian shall cross a roadway other than by a crosswalk in any business district.

(Ord. 461 § 9.1, 1966)

17.28.010 - Improvements required.

The subdivider shall improve, or agree to improve, all lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way as a condition precedent to acceptance thereof and approval of the final map. Such improvements shall include grading and surfacing of streets, alleys and pedestrian paths; construction of sidewalks, curbs, gutters, culverts, bridges, storm drains, drainage channels, sanitary sewers and water supply lines; installation of fire hydrants, street signs and street lights; planting of street trees and landscaping of planting strips; and provision of such other improvements as may be required.

(Ord. 286 § 6.1, 1957)

12.20.030 - Maintaining traffic and street closures.

The permittee shall give particular attention to facilitating the flow of vehicular and pedestrian traffic. The permittee may be required to remove excavating material from the site of the encroachment as it is excavated rather than stockpiling it on the street when such removal is necessary to permit traffic to pass freely and safely.

When the temporary closure of a public street to pedestrian and/or vehicular traffic is requested by the permittee, the permit shall be applied for at least two weeks in advance of the date of requested closure. The director shall determine the effect of the requested closure, and if satisfied as to adequate, available, alternate detour routes may issue a permit, attaching such conditions as he may deem necessary for the health, safety and welfare of the public and for the protection of the town. When emergency situations arise due to unforeseen circumstances or other causes, the two week period may be waived. Before closure of any public street, the permittee shall notify the police, fire and ambulance authorities having jurisdiction.

(Ord. 469 § 28, 1967)

17.28.070 - Maintenance.

No street, alley, pedestrian-way, drainage channel, easement or other right-of-way offered for dedication shall be accepted by the town unless the subdivider shall first post with the town clerk a corporate surety bond in an amount fixed by the town engineer, which shall expressly guarantee that the street, alley, pedestrianway, drainage channel, easement or other right-of-way shall be kept and maintained in reasonably good repair by the subdivider for a period of one year from the acceptance of the completed improvements by the town council.

(Ord. 286 § 6.7, 1957)

17.08.100 - Pedestrianway.

"Pedestrianway" means a way designed for use by pedestrians and cyclists which is not intended for use by automotive vehicles and which is not located within a street right-of-way.

(Ord. 286 § 1.7(m), 1957)

17.08.140 - Sidewalk.

"Sidewalk" means a way designed for use by pedestrians which is located within a street right-of-way.

(Ord. 286 § 1.7(r), 1957)

12.40.020 - Trees, hedges, shrubbery, fences—Planting or erection.

No tree, hedge, shrub or other planting whatever, fence, trellis or similar structure shall be maintained across any existing walkway in a sidewalk area or shoulder. The intent of this restriction is to keep free a walkway for pedestrian or other lawful public travel without interference by or with vehicular travel. No encroachment of any nature will be permitted or maintained which impedes, obstructs, or denies such pedestrian or other lawful travel within the limits of the right-of-way of a public street, or which impairs adequate sight distance for safe pedestrian or vehicular traffic.

(Ord. 469 § 45(a), 1967)

2.40.040 - Lawns and ground covers.

Notwithstanding anything contained in this chapter to the contrary, any person may plant and maintain a lawn or ground cover of any grass, or type not prohibited by other law, within the right-of-way of a public street without a written permit. However, the lawn or ground cover shall not extend into the traveled way of the public street nor into the drainage ditches, gutters or other drainage facilities, nor

impede pedestrian travel. The general public may not be denied the use of the planted area for pedestrian or other lawful travel. The town may use the planted area for any purpose whatever, and may issue a permit to any applicant to go thereon to perform work or otherwise encroach pursuant to this title. If the lawn is damaged or disturbed in the course of an authorized encroachment, it will be removed and replaced by the permittee unless the permit specifically states otherwise.
(Ord. 469 § 45(c), 1967)

10.32.090 - Restrictions on use of freeways.

No person shall drive or operate any bicycle, motor driven cycle, or any vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by state law, nor shall any pedestrian walk across or along any such street so designated and described except in space set aside for the use of pedestrians, provided official signs are in place giving notice of such restrictions.
(Ord. 461 § 8.8, 1966)

10.32.070 - Traffic obstruction.

No operator of any vehicle shall enter any intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.
(Ord. 461 § 8.6, 1966)

18.04.670 - Right-of-way.

"Right-of-way" means an area or strip of land, either public or private, on which a right-of-passage has been established for the use of vehicles or pedestrians or both. (See Figure 9.)
(Ord. 785 § 3(b) (part), 1994)

Appendix C: Bicycle Parking Guidelines

The goal of the Bicycle Parking Guidelines is to provide secure bicycle parking, typically through the installation of bolted or embedded ‘U’ type racks and/or bicycle lockers located at specific bicycle destinations to encourage increased bicycle use.

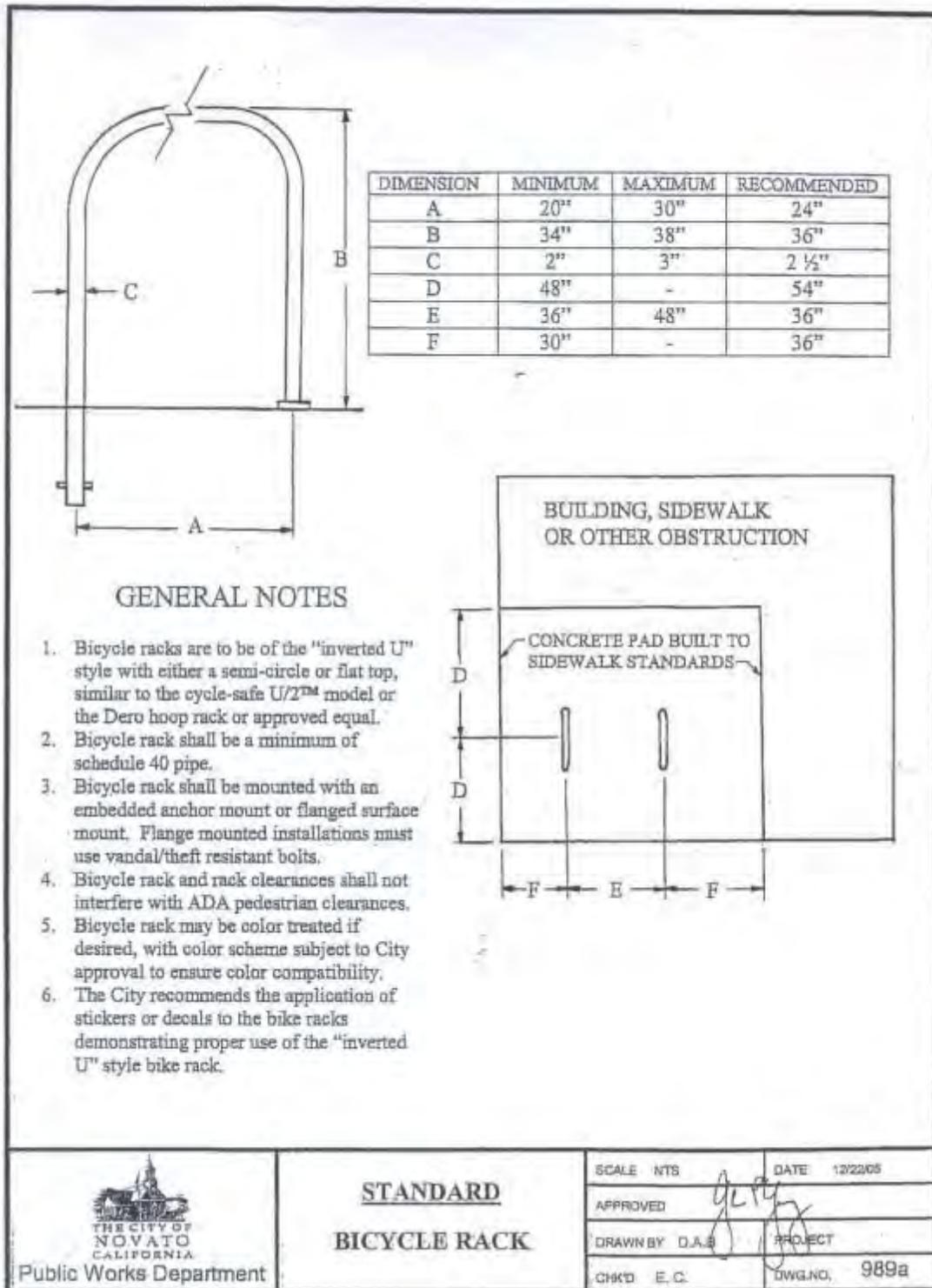
Basic Bicycle Rack & Locker Provisions

1. Bicycle parking guidelines are included at www.walkbikemarin.org in the Bicycle Parking Guidelines recommended by the Association of Pedestrian and Bicycle Professionals.
2. Bicycle racks shall be permanently anchored and tamper-proof bolts should be used where appropriate.
3. Bicycle racks should be compact and attractive as street furniture and coated to minimize damage.
4. Parking racks/lockers must be placed close enough to user destinations (such as public or employee entrances) to encourage their use, i.e. closer than automobile parking if possible since secure bicycle parking needs to be competitive with the other transportation alternatives.
5. Parking devices are to be placed so as not block or diminish accessibility to sidewalks, entrances, etc.
6. Marin County encourages the use of the Bicycle Rack Standard published by the City of Novato. <http://cms6ftp.visioninternet.com/novato/agendas/pdfstaffreports/2015-05-15bikepedfinal.pdf>
7. The recipient is encouraged to use the bicycle parking supplier used by the City of Novato (www.madrax.com, ‘U’ Rack), Town of Fairfax (www.bicycleparking.com, WSH36), or a supplier of their choice (see Exhibit D) to purchase and install the agreed upon bicycle parking infrastructure.
8. Parking racks/lockers must be placed according to the minimum space requirements provided for in these guidelines, with adequate room for cyclists to maneuver their bicycles in and out of place. Racks/lockers must be well secured to an immovable object (e.g. the ground or wall). It is preferred that bicycle parking will be placed in a sheltered area with easy access for cyclists.
9. Bicycle lockers are intended for destinations where long-term storage is required, where access is restricted, or weather protection is necessary.
10. Bicycle racks and lockers are to be installed per supplier recommendations.
11. Bicycle racks shall be located away from traffic and delivery vehicles and in cases where this is not possible, then bollards or raised concrete slabs are acceptable to protect them from damage.
12. Bicycle parking directional signage should be considered as appropriate.

Basic Bicycle Cage Provision

1. Bicycle cages should be secure and it is recommended that they include a cover or cage top.
2. Bicycle cages are ideal for locations where bicycle users arrive in and leave en masse at regular times.
3. Chain link is an acceptable material for day use, but if the users are expecting to leave their bicycle overnight, the cage material may need to be stronger.

Exhibit A: Bicycle Rack Designs and Specifications



SPACING FOR BIKE BARS



Spacing Between Racks:

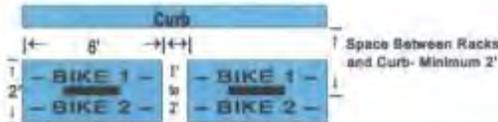
Each bike bar accommodates two bicycles, and requires a total "foot print" space 2'X6'. Aisles between the foot prints should be at least 1' wide, and 2' aisles are preferred. Bars should be centered in the foot print space.

Spacing Between Racks and Building when Bikes Are Parallel to Building:



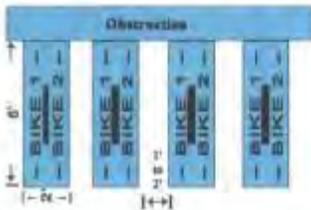
When bicycles will be parked parallel to a building, bike bars should be located at least 3' from the obstruction to allow for maneuvering handlebars between the locking devices and the building.

Spacing Between Racks and Curb when Bikes Are Parallel to Curb:



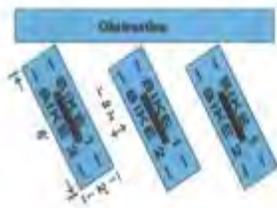
When bicycles will be parked parallel to a curb, bike bars should be at least 2' from the curb.

Spacing Between Racks and Obstruction When Bikes Are Perpendicular to Obstruction:



When bicycles will be parked perpendicular to a building, curb, or other obstruction, locking devices may be located as shown in the diagram at left.

Spacing When Racks Are Placed in a Diagonal Formation:



When bicycle bars will be placed diagonally to a building or other obstruction the angle may be varied; however, the bike parking area must still maintain a 2'X6' footprint and the aisles between the footprints should be at least 1' but preferably 2'.

Locked Room or Cage



To the left is an example of an interior bicycle storage room. Notice the cyclone fence enclosure. This facility has electronic locks activated by the user's security fob. There are men's and women's locker rooms with showers located adjacent to this enclosure and accessed from within.

A fully enclosed room or a cage should be covered by industrial grade chain link or equivalent. It should also have a heavy-duty combination or tumbler lock on the entrance. Bicycle parking as shown below is provided within to economize parking spaces yet still provide bicycle security. Unless bicycles can be wheeled straight in from door to parking stall, there should be a 60 inch wide aisle inside the enclosure that allows bikes to be maneuvered in and out.



Double-decker



Space Saver vertical racks



Inverted U rack

Appendix D: Shared-use Path and Trail Etiquette

Notifying bicyclists, pedestrians, skaters, equestrians, and other users of acceptable behavior and etiquette is a common issue on a shared-use paths and trails. The purpose of a code of conduct is to promote user safety and enhance enjoyment for all. Yielding the right-of-way is not only a courtesy, but a necessary part of a safe path and trail experience.

Existing Path and Trail Rules

The Marin County Code includes ordinances for path and trail use and are shown in the table below. Important elements include a) the classification of shared-use paths as “parks,” b) the delegation of enforcement to any authorized department employee, official designee or peace officer, and c) the application of the California Vehicle Code.

Marin County Code – Trails and Paths⁴

Code Location ⁵	Code
10.05.050 - Bicycles	No person shall operate any bicycle or similar vehicle within parks except upon paved roads, fire protection roads, designated bicycle pathways or public roads not signed against such use. Furthermore, no person shall operate or possess any bicycle or similar vehicle elsewhere within parks, including trails, unless signed specifically to permit such operation.
10.05.040 – Speed limits	No person shall operate any land vehicle, including bicycles, at speeds in excess of fifteen miles per hour within parks, unless otherwise posted. No vehicle shall be operated at a speed greater than is reasonable for safe operation, nor in any manner which may endanger the safety of others of the protection of facilities and environmental resources.
10.05.050 – Parking and vehicle removal	No person shall park, leave, abandon, possess or otherwise store any vehicle within parks, except in locations designated for such use. No person shall park any vehicle within parks during periods when parking areas or lands are closed, nor in the following locations: <ul style="list-style-type: none"> A. Within the traveled portion of any road; B. On any service road or trail; C. In front of any gate; D. On any undisturbed or natural hillside;

⁴ Per 10.01.010 of the Marin County Code, the code is applicable to “management and administration of the Marin County department of parks and open spaces and the use of county parks... This code does not apply to lands and facilities operated by the Marin County open space district as the use of these lands and facilities is governed by the Marin County open space district code.”

⁵ *County of Marin Municipal Code (2014)*

Code Location ⁵	Code
	<p>E. In areas designated for persons with disabilities, unless the person has appropriate authorization;</p> <p>F. In more than one parking space per vehicle;</p> <p>G. Within posted “no parking” areas;</p> <p>H. In a manner that obstructs the use of a boat ramp;</p> <p>I. In any manner obstructing the free flow of traffic.</p> <p>Except in designated overnight parking areas, no person shall park any vehicle for more than twelve consecutive hours. Any enforcement officer mentioned in California Vehicle Code Section 22651 is authorized to remove any vehicle parked in violation of this section.</p>
10.05.060 – California Vehicle Code	Except as otherwise provided in these regulations, the provisions of the California Vehicle Code shall be applicable to the operation of vehicles within parks.
13.24.020 - Compliance with Vehicle Code.	<p>Any person operating a bicycle or motorized bicycle within the County of Marin shall comply with all provisions of the California Vehicle Code which pertain to bicycles and motorized bicycles.</p> <p>The provisions of Section 21201 of the Vehicle Code requiring lighting equipment on highways shall apply to the operation of bicycles on a paved bicycle path or paved multipurpose recreational trail within the County of Marin.</p>
13.24.040 - Multipurpose recreational trails.	Any person operating a bicycle on a multipurpose recreational trail shall yield the right-of-way to pedestrians and horses.
13.24.050 - Use of trails.	<p>a) It shall be unlawful for any person to operate, ride, propel or park a motorized bicycle on any county multipurpose recreational trail or bicycle trail, except the bike paths from:</p> <ol style="list-style-type: none"> 1. Gate Six in Sausalito to the former Marin County Heliport; 2. The west shoulder of Highway 101 from Lincoln Avenue to Los Ranchitos Road; and 3. The west shoulder of Highway 101 from Miller Creek Road to Alameda Del Prado; and 4. Highway 37 to Hamilton Drive. <p>b) Any motorized bicycle which is authorized to be operated on a multipurpose recreational trail or bicycle trail shall not exceed a maximum speed of fifteen miles per hour on said trail.</p> <p>c) For the purposes of this section, vehicles not registered with the department of motor vehicles being used by and designed primarily for the purpose of assisting persons with disabilities are exempted.</p>
15.53.040 - Enforcement.	Any employee of the Marin County fire department or any other duly constituted public agency having jurisdiction over a fire trail or hiking trail,

Code Location ⁵	Code
	shall be deemed to be a peace officer for the purpose of enforcing this chapter. 6
02.02.070 – Running and Jogging.	No school, club or other organization shall hold running, jogging, or cross-country meets, events or practice sessions on district lands without prior written approval of the district. No person shall run or jog in such a way as to endanger hikers, equestrians, bicyclist or other using district lands.
2.02.080 – Games and miscellaneous activities.	No person shall engage in games or other activities which interfere with others using district lands or which endanger property, public safety or environmental resources. Non-permitted activities include: A. Participating in volleyball, baseball, softball, soccer, football and other similar organized sports; B. Participating in bicycle races; C. Hitting golf balls; D. Operating self-propelled model airplanes, boats, automobiles or other model craft; E. Throwing, releasing or discharging missiles, rockets, stones, paintballs or other similar projectiles; F. Hang-gliding, paragliding or parachuting; G. Operating or landing aircraft of any nature; H. Skateboarding, roller skating, in-line skating or any similar activity; I. Participating in any activity or operating any device in such fashion which interferes with others using district lands or endangers property, public safety or environmental resources.
02.03.035 – Tools and trail building equipment.	No person shall possess, use or carry while on district lands any shovel, rake, pick, mattock, Pulaski, or other trail building equipment without prior written approval of the district.
02.04.020 – Bicycles and similar vehicles.	No person shall operate any bicycle on district lands except upon fire protection roads, designated bicycle pathways or public roads not signed against such use. Furthermore, no person shall operate or possess any bicycle else here on district lands, including trails, unless signed specifically to permit such possession. All person operating a bicycle on district lands during hours of darkness shall carry and use a lamp which emits a white light visible from a distance of three hundred feet. No person shall operate or possess roller-skates, inline skates, grass skates, or any self-propelled or motorized skateboard, scooter or other similar device on district lands.

⁶ "Parks" as referred to in this code means any park, playground, bicycle and multi-use path, recreation center or any other area or facility owned or managed by the county and devoted to active or passive recreation. Marin County Municipal Code 10.01.030 - Definitions.

Code Location ⁵	Code
02.04.040 – Speed limits.	No person shall operate any land vehicle, including bicycles, at speeds in excess of fifteen miles per hour unless otherwise posted. Bicycles and similar vehicles shall slow to five miles per hour when passing others or approaching blind turns. No person shall operate any watercraft or other vessel in excess of five miles per hour. No vehicle, including bicycles shall be operated at a speed greater than is reasonable for safe operation, no in any manner which may endanger the safety of others or the protection of environmental resources.
02.04.050 – Right-of-way	All person operating vehicles on district lands, including bicycles, shall yield the right-of-way to hikers and equestrians. Hikers shall yield the right-of-way to equestrians. District and emergency vehicles have the right-of-way on district lands at all times.
02.05.010 - Dogs and other animals.	<p>Dogs and other domestic animals are allowed on District lands when under the direct and immediate control of a responsible person. Up to three dogs per individual are allowed, with exceptions beyond that number granted only through issuance by the District General Manager of a Special or Commercial Use Permit. On maintained and designated fire protection roads three dogs off-leash per individual are allowed. In all other areas, dogs and other domestic animals must be fastened to and restrained by a chain or leash not exceeding six feet in length. No person shall do any of the following on District lands:</p> <ul style="list-style-type: none"> a) allow any dog or other domestic animal to enter environmentally sensitive or restricted areas of District lands; b) allow any dog or other domestic animal to interfere with, bother or disturb others using District lands; c) allow any dog or other domestic animal to hunt, pursue or harass other animals or wildlife; d) bring or keep a noisy, vicious or dangerous dog or other animal; e) bring or keep a dog four months of age or more without proof that the dog has a valid rabies inoculation and a valid license; f) fail to promptly remove from District lands any dog or other domestic animal after being ordered by District personnel to do so. g) allow excrement from dogs under their control to remain on District land. h) bring dogs or other domestic animals onto district lands without possessing a chain or leash not exceeding six feet in length for each dog or animal so that they shall be prepared to restrain their animals, if necessary.

Proposed Shared-use Path and Trail Guidelines

In addition to the rules, this plan also proposes additional guidelines for path and trail users. As paths and trails become more popular and congested, they can also become more hazardous. These guidelines will help users behave safely and courteously to make for an enjoyable experience for all. Some of the items in the code of conduct are based on the existing and proposed path and trail rules, but are rephrased into simpler sentences.

The table below shows the proposed path and trail guidelines to be followed by all trail users:

Rule*	Description
Be Courteous and Predictable	Bicyclists always yield to pedestrians. The speed limit is 15 mph, and <10mph when passing pedestrians. No vehicle shall be operated at a speed greater than is reasonable for safe operation, nor in any manner which may endanger the safety of others of the protection of facilities and environmental resources.
Don't Block the Trail	Ride, walk, or run no more than two abreast and single file when passing others. When stopping, move off of the trail. Beware of others approaching you from behind and make sure they know you are stopping.
Keep Right Run, walk, and ride with awareness of others.	Stay as near to the right side of the trail as is safe, except when passing another user.
Pass on the Left	Pass others, going your direction, on their left. YIELD TO SLOWER AND ON-COMING TRAFFIC. Use hand signals to alert those behind you of your moves. Look ahead and back to make sure the lane is clear before you pull out and pass. Pass with ample separation and do not move back to the right until safely past. REMEMBER: KIDS AND PETS CAN BE UNPREDICTABLE.
Give Audible Warning BEFORE Passing	Give a clear signal by announcing "on your left" and ringing bell before passing.
Obey All Traffic Signs and Signals	Use extra caution where trails cross streets. Stop at all STOP signs and intersections and be cautious when crossing driveways. When entering or crossing a trail yield to traffic already on the trail.
Use Lights at Night	If on a trail at any time from dusk to dawn, make yourself visible to others.
Keep Animals Safe and under Control	Keep pets on a short leash less than six feet long. Walk pets on the right-hand shoulder and be aware of the potential hazard of leashes for passing bicyclists, skaters, and equestrians. Clean animal waste from the trail.

Rule*	Description
Have You Outgrown Trails?	Trails have engineering and design limits. If your speed or style endangers other users, check for alternative routes better suited to your needs. Selecting the right location is safer and more enjoyable for all concerned.

* *Alta Planning + Design; International Bike Fund* (<http://www.ibike.org/education/trail-sharing.htm>)

Education and Awareness

The education of path and trail users is a critical part of creating a safe environment for all users. A code of conduct should be clearly posted at path and trail access points and intersections. Additionally, informational signs can help communicate basic etiquette along the way, such as the two examples shown below.

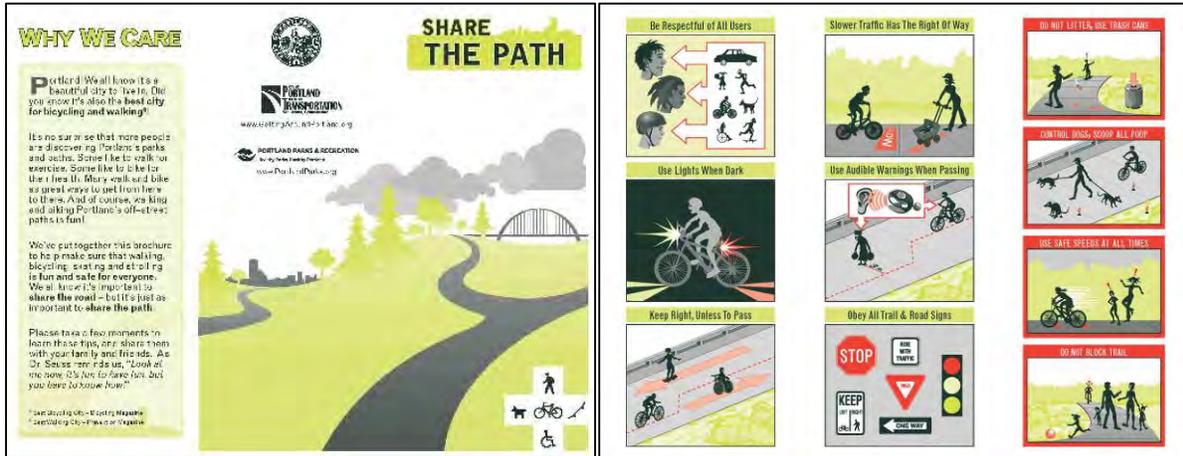


Bikes yield to pedestrians; Crescent Trail, Bethesda, MD; photo by Stuart Macdonald, 16 June 2007



Walkers keep right, cyclists pass on the left on West River Parkway, Minneapolis; photo by Stuart Macdonald, 29 Oct 2010

Educational curricula, similar to Safe Routes to School programs, could be used to encourage safe practices by various path and trail users. Below is an example brochure from the City of Portland's Share the Path campaign. The brochure communicates trail etiquette using illustrations and captions, which are easy to read and understand. Marin County Parks will be launching a new safety, education, and etiquette campaign regarding shared-use paths. This campaign is expected to launch in May 2015.



Share the Path campaign, City of Portland www.portlandoregon.gov

A kickoff campaign can be used to advertise the new etiquette guidelines. The City of Atlanta held the #BeltLineCharm campaign to remind users of the Atlanta BeltLine shared-use path to be safe while walking and biking. Volunteers held up positive, humorous and attention-grabbing signs along the trail reminding users of appropriate trail etiquette. Examples from the #BeltLineCharm campaign are shown below.



Source: www.beltline.org/beltlinecharm

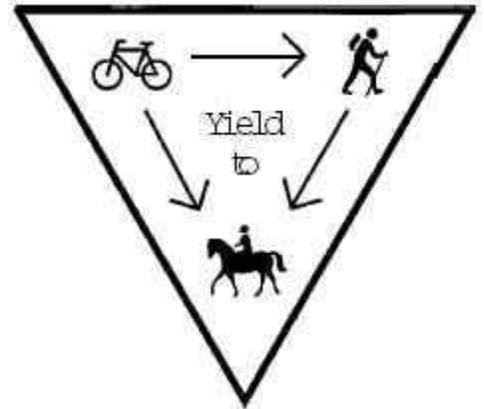


R9-6



R9-7

Bicycle and Pedestrian Conflict Signs



Share the Path Sign, FHWA



Share the Path Signs, Newport, RI (Danny Sullivan)



Share the Path Sign

Appendix E: Award Designation

BICYCLE FRIENDLY AMERICASM PROGRAM

The Town of Corte Madera is considering application to League of American Bicyclists for designating the city as a “Bicycle Friendly Community”. The Bicycle Friendly Community (BFC) program provides a roadmap to improve conditions for bicycling and the guidance to make Corte Madera’s vision for a better, bikeable community a reality.

A BFC welcomes bicyclists by providing safe accommodations for bicycling and encouraging people to bike for transportation and recreation. Making bicycling safe and convenient are keys to improving public health, reducing traffic congestion, improving air quality and improving quality of life.

The program provides guidance and benchmarking for building a Bicycle Friendly Community, the application itself is a rigorous and an educational tool in itself. Since its inception, more than 800 communities have applied for the five levels of the award – diamond, platinum, gold, silver and bronze — providing a clear incentive for communities to continuously improve.

Each Bicycle Friendly CommunitySM, Bicycle Friendly BusinessSM and Bicycle Friendly UniversitySM recognized by the League is different. Each with their own natural benefits and challenges — from climate and topography to culture and population density. But there are essential elements across five categories — known as the Five E’s — that are consistent in making great places for bicycling.

THE 5 E'S

Engineering:	Creating safe and convenient places to ride and park
Education:	Giving people of all ages and abilities the skills and confidence to ride
Encouragement:	Creating a strong bike culture that welcomes and celebrates bicycling
Enforcement:	Ensuring safe behavior from all users
Evaluation & Planning:	Planning for bicycling as a safe and viable transportation option

The following diagram is a visual tool for differentiating the various levels, and the criteria for each.

Walk Friendly Community designation, but the program estimates that it requires a time commitment of approximately 20-60 hours.

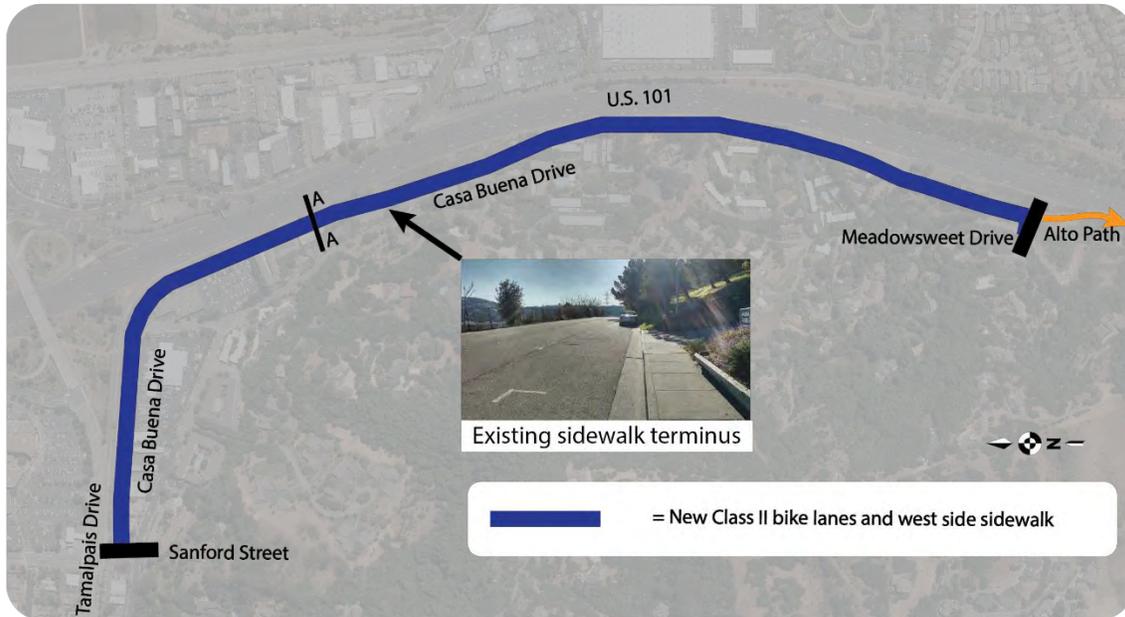
To get started, the application coordinator should download the [Walk Friendly Community Assessment Tool](#) which contains the questions and resources needed to complete the online application. The program suggests the application coordinator familiarizes himself or herself with the individuals and departments that will need to provide input on the application. Additionally, the applicant can fill out the application online and save as he or she progresses and can assess the Walk Friendly Community resources through their online [Resource](#) page.

Appendix F: Priority Project Details

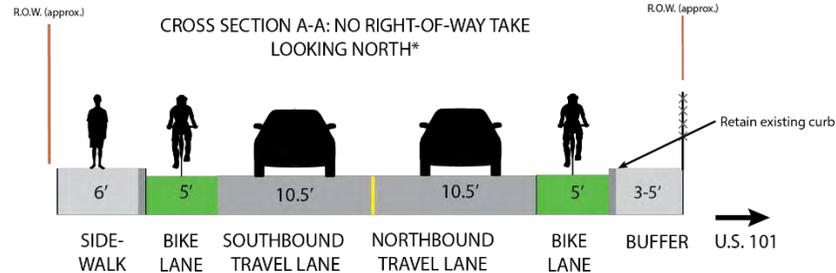
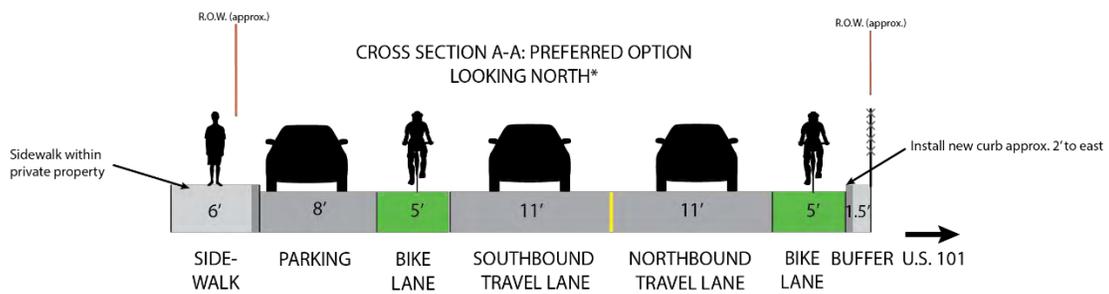
Town of Corte Madera- Class II Bike Lanes and Sidewalk Casa Buena Drive - Sanford Street to Meadowsweet Drive



VICINITY MAP AND PROJECT EXTENTS



PROPOSED ALTERNATIVES



* Concept is preliminary in nature and shows approximate dimensions. This concept serves as an example location; roadway widths vary throughout corridor.



EXISTING CONDITIONS

Casa Buena Drive between Sanford Street and Meadowsweet Drive/Alto Path is a 1.0-mile roadway adjacent to U.S. Highway 101 and Tamalpais Drive that connects residences and commercial properties along the roadway with the greater Corte Madera township. The following existing conditions apply:

- One vehicular lane in each direction with 8- to 14-foot wide on-street parallel parking. Typical paved widths south of Conow Street vary between 28 and 33 feet.
- Four-foot wide sidewalk on the west side of the street from Sanford Street to approximately 650 feet north of the Casa Buena Drive/Pepperwood Lane intersection.
- No bicycle facilities.
- High peak traffic volumes and speeds make it uncomfortable for bicyclists to ride without separation from vehicular lanes.

PROJECT DESCRIPTION

The preferred project (see top section on previous page) would provide bicycle lanes and a continuous pedestrian facility to improve multimodal safety and connectivity on Casa Buena Drive. The project would include the following:

- Obtain right-of-way and reconstruct the roadway where restriping within paved width is not possible.
- Provide eight-foot wide parallel parking (to maintain existing parking), two five-foot bike lanes, two eleven-foot vehicular lanes, and a six-foot sidewalk. A four-foot sidewalk may be constructed in constrained locations.
- A buffer of at least 1.5 feet shall be maintained from the fence adjacent to U.S. Highway 101 and the northbound bicycle lane.

An optional concept, not requiring acquisition of additional right-of-way, would provide bicycle lanes and sidewalk by removing on-street parking and narrowing the vehicular travel lanes. The curb on the east side could remain in place for potential cost savings (see bottom section on previous page).



COST ESTIMATE (PREFERRED OPTION)

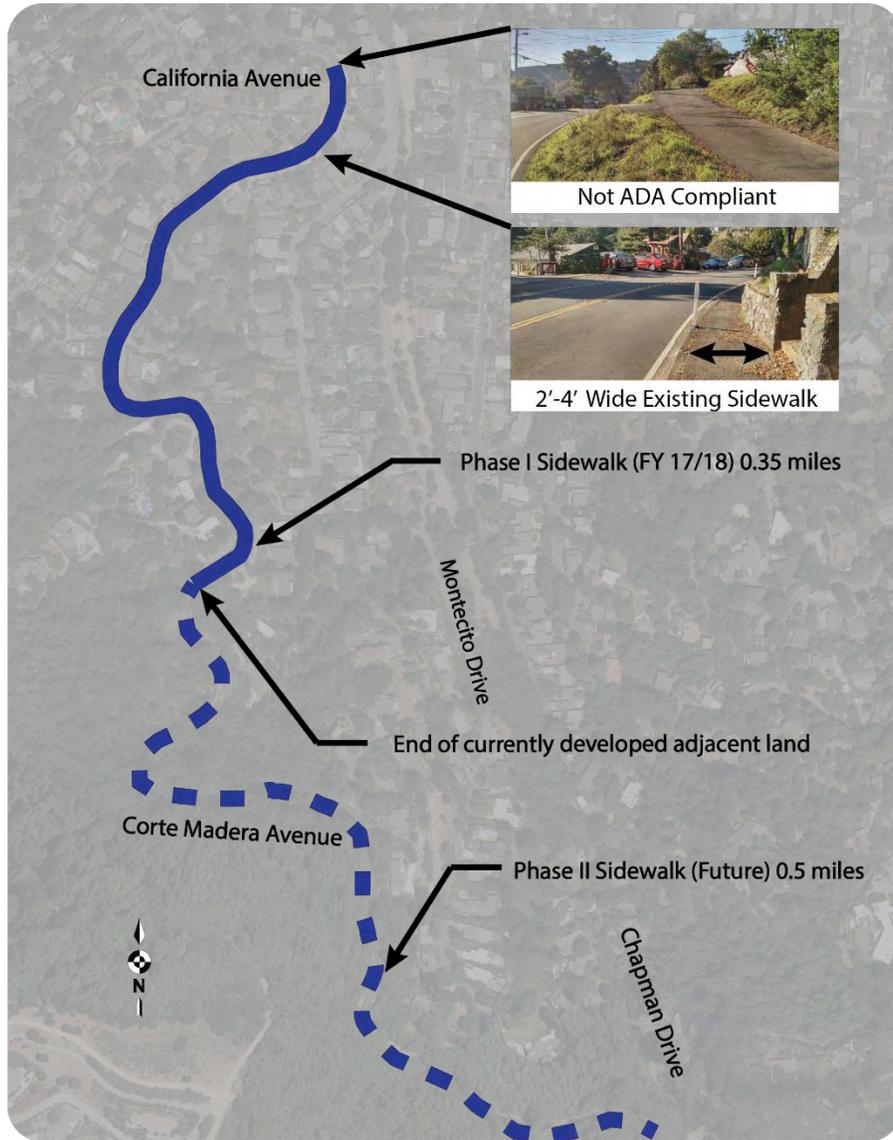
Engineer's Preliminary Estimate of Probable Construction Cost

Item No.	Item Description	Estimated Quantity	Unit of Measure	Unit Cost	Item Total
1	Mobilization (5%)	1	LS	\$86,994.00	\$86,994.00
2	Traffic Control	1	L.S.	\$65,000.00	\$65,000.00
3	Remove Existing Markings & Buttons	1	L.S.	\$8,000.00	\$8,000.00
4	Remove tree and Grind Stump	12	Each	\$1,200.00	\$14,400.00
5	Clearing and Grubbing	1	L.S.	\$30,000.00	\$30,000.00
6	Earthwork	1	L.S.	\$90,000.00	\$90,000.00
7	Sawcut & Remove 1' A.C.	5,280	L.F.	\$4.00	\$21,120.00
8	Remove Existing Curb, Gutter, & Sidewalk	14,000	S.F.	\$5.00	\$70,000.00
9	Adjust Utility Cover to Grade	10	Each	\$500.00	\$5,000.00
10	SWPPP & Temporary Erosion Control	1	L.S.	\$5,000.00	\$5,000.00
11	Erosion Control (Type D)	1	L.S.	\$5,000.00	\$5,000.00
12	Landscape and Irrigation Repair	1	L.S.	\$15,000.00	\$15,000.00
13	Drainage Allowance	1	L.S.	\$10,000.00	\$10,000.00
14	Driveway Reconstruction	19	Each	\$6,000.00	\$114,000.00
15	Retaining Wall	100	L.F.	\$200.00	\$20,000.00
16	Curb & Gutter	5,280	L.F.	\$70.00	\$369,600.00
17	6' Concrete Path	31,680	S.F.	\$15.00	\$475,200.00
18	A.C. Pavement	42,240	S.F.	\$8.00	\$337,920.00
19	White Striping	15,840	L.F.	\$3.00	\$47,520.00
21	Centerline Striping	5,280	L.F.	\$4.00	\$21,120.00
22	Sign Relocation	1	L.S.	\$4,000.00	\$4,000.00
23	Pavement Markings	1	L.S.	\$12,000.00	\$12,000.00
Subtotal					\$1,826,874.00
20% Contingency					\$365,374.80
Total Construction Cost					\$2,192,248.80

Town of Corte Madera- Sidewalk Improvement

Corte Madera Avenue from California Avenue to Chapman Drive

VICINITY MAP AND PROJECT EXTENTS





EXISTING CONDITIONS

Corte Madera Avenue between California Avenue and Chapman Drive is a 0.85-mile north-south corridor connecting residents along Corte Madera Avenue to downtown Corte Madera (Redwood Avenue and Tamalpais Drive). The following existing conditions apply:

- Existing two- to four-foot wide pathway on Corte Madera Avenue winds 0.35 miles south of California Avenue on the west side; no pathway exists for 0.5 miles from here to Chapman Drive.
- The pathway is not ADA compliant; its pavement is in poor condition and is elevated up to five feet higher than curb level in some locations. The existing grade west of the paved roadway and pathway width varies approximately between 1:3 to 1:1.

PROJECT DESCRIPTION

There is a desire to enhance pedestrian facilities to improve accessibility, safety, and connectivity on Corte Madera Avenue. The existing sidewalk is not ADA compliant and ends 0.5 miles north of Chapman Drive. Right-of-way may need to be obtained, and retaining walls would need to be built in areas where the new sidewalk cuts into the existing slope. This project includes the following recommendations, to be completed in two phases:

- Phase I (Construction FY 2017/18): Replace 0.35-mile existing west side pathway with four- to six-foot wide ADA-compliant sidewalk at curb level.
- Phase II (Construction TBD): Construct four- to six-foot wide ADA-compliant sidewalk on west side of Corte Madera Avenue to connect Phase I sidewalk to Chapman Drive.



COST ESTIMATE

Engineer's Preliminary Estimate of Probable Construction Cost

Item No.	Item Description	Estimated Quantity	Unit of Measure	Unit Cost	Item Total
1	Mobilization (5%)	1	L.S.	\$55,445.60	\$55,445.60
2	Traffic Control	1	L.S.	\$45,000.00	\$45,000.00
3	Remove Tree and Grind Stump	12	Each	\$1,200.00	\$14,400.00
4	Clearing and Grubbing	1	L.S.	\$15,000.00	\$15,000.00
5	Earthwork	1	L.S.	\$45,000.00	\$45,000.00
6	Sawcut & Remove 1' A.C.	4,488	L.F.	\$4.00	\$17,952.00
7	Remove A.C. Walkway	5,600	S.F.	\$3.00	\$16,800.00
8	Adjust Utility Cover to Grade	7	Each	\$500.00	\$3,500.00
9	SWPPP & Temporary Erosion Control	1	L.S.	\$5,000.00	\$5,000.00
10	Erosion Control	1	L.S.	\$5,000.00	\$5,000.00
11	Landscape & Irrigation Repair	1	L.S.	\$5,000.00	\$5,000.00
13	Drainage Allowance	1	LS	\$10,000.00	\$10,000.00
14	Driveway Reconstruction	11	Each	\$6,000.00	\$66,000.00
15	Retaining Wall	1,000	L.F.	\$200.00	\$200,000.00
16	Curb and Gutter	4,488	L.F.	\$70.00	\$314,160.00
17	5' Concrete Path	22,440	S.F.	\$15.00	\$336,600.00
18	Signs Relocation	1	L.S.	\$1,500.00	\$1,500.00
19	Utility Pole Relocation	2	Each	\$4,000.00	\$8,000.00
				Subtotal	\$1,164,357.60
				20% Contingency	\$232,871.52
				Total Construction Cost	\$1,397,229.12

Appendix G: Bay Trail



Appendix H: Plan Adoption

Placing an item on the agenda: An item may be placed on the agenda by submitting a request to the Town Clerk or the Town Manager, or their designee, by Tuesday at 5p.m. 21 days prior to the Council meeting during which the item is sought to be considered. If such item requires staff investigation or if it will be considered at a future date in the normal course of business (e.g., planning and budget matters), it may be deferred to a later date with concurrence of the person submitting the item. Staff will accommodate submissions after the deadline whenever practical. (Town Council Rules and Procedures, Section 7.5)



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

www.townofcortemadera.org

DRAFT AGENDA
PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE

**CORTE MADERA TOWN COUNCIL
AND SANITARY DISTRICT NO. 2 BOARD
TOWN HALL COUNCIL CHAMBERS
300 TAMALPAIS DRIVE**

TUESDAY, MAY 17, 2016

7:30 P.M.

- 1. CALL TO ORDER, SALUTE TO THE FLAG, ROLL CALL**
- 2. PRESENTATION: NONE**
- 3. OPEN TIME FOR PUBLIC DISCUSSION**

Please confine your comments during this portion of the agenda to matters not already on this agenda. Speakers will be limited to three (3) minutes unless otherwise specified by the Mayor or the Presiding Officer.

The public will be given an opportunity to speak on each agenda item at the time it is called. The Council may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Council, no further comment from the public will be permitted unless authorized by the Mayor or the council and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Council or as otherwise limited by order of the Mayor or Council.

4. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report
- Director of Planning & Building Report on Tamal Vista East Corridor Study
- Council Reports

5. CONSENT CALENDAR

The purpose of the Consent Calendar is to group items together which are routine or have been discussed previously and do not require further discussion. They will be approved by a single motion. Any member of the Town Council, Town Staff, or the Public may request removal of an item for discussion. Rescheduling of the item(s) will be at the discretion of the Mayor and Town Council

5.I *SANITARY DISTRICT ITEMS:*

- 5.I.i Consideration of a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2015-2016 Budget for Flow Meter and Isolation Valve Replacement (Report from Nisha Patel, Senior Civil Engineer)
- 5.I.ii Consideration of a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2015-2016 Budget for Trinidad II Pump Station Rehabilitation (Report from Nisha Patel, Senior Civil Engineer)

5.II *TOWN ITEMS:*

- 5.II.i Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only. (Standard procedural action – no backup information provided)
- 5.II.ii Adopt Resolution 15/2016, A Resolution of the Town Council of the Town of Corte Madera Authorizing Delivery and Sale of Refunding Certificates of Participation to Refinance Outstanding 2006 Certificates of Participation, and Approving Related Documents and Actions

And

Approve a Supplemental Appropriation of Both the Revenues and Expenditures of the Refinancing Transaction

(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

- 5.II.iii Transmittal of March 31, 2016 Summary Financial Report (Interim Reports on Cash Basis) (Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.II.iv Receive and File Investment Transactions Monthly Report (Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.II.v Approve Warrants and Payroll for the Period ___/___/16 through ___/___/16: Warrant Check Numbers _____ through _____, Payroll Check Numbers _____ through _____, Payroll Direct Deposit Numbers _____ through _____, Payroll Wire Transfer Numbers _____ through _____, and Wire Transfer of ___/___/___. (Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

6. PUBLIC HEARINGS:

- 6.I Public Hearing Nuisance, 14 Lakeside – Determination Whether the Property Conditions Constitute a Public Nuisance as Designated in Chapter 9.04 of the Corte Madera Municipal Code and Direction to Staff for Further Action
(Report from Adam Wolff, Director of Planning and Building)

7. BUSINESS ITEMS:

- 7.I Adoption of a Resolution Approving a Complete Streets Policy, in Accordance with Requirements from the Metropolitan Transportation Commission (MTC)
(Report from Nisha Patel, Senior Civil Engineer)
- 7.II Review of Draft June 7, 2016 Town Council Agenda
- 7.III. Approval of Minutes of May 3, 2016 Town Council Meeting

8. ADJOURNMENT

TOWN COUNCIL STAFF REPORTS ARE USUALLY AVAILABLE BY 5:00 P.M., FRIDAY PRIOR TO THE COUNCIL MEETING, AND MAY BE OBTAINED AT THE CORTE MADERA TOWN HALL, OR BY CALLING 927-5050. AGENDA ITEMS ARE AVAILABLE FOR REVIEW AT CORTE MADERA LIBRARY, FIRE STATION 13 (5600 PARADISE DRIVE) AND THE TOWN HALL. IF YOU CHALLENGE THE ACTION OF THE TOWN COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE TOWN CLERK, AT OR PRIOR TO THE PUBLIC HEARING.

Any member of the public may request placement of an item on the agenda by submitting a request to the Town Clerk. The public is encouraged to contact the Town Manager at 415-927-5050 for assistance on any item between Council meetings.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5086. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting please notify the Town Clerk at least 3 business days (the Thursday before the meeting) in advance of the meeting date. If the town does not receive timely notification of your reasonable request, the town may not be able to make the necessary arrangements by the time of the meeting.

1 DRAFT

2
3 MINUTES OF APRIL 19, 2016

4
5 SPECIAL JOINT MEETING
6 OF THE
7 CORTE MADERA TOWN COUNCIL AND PLANNING COMMISSION
8

9 Mayor Bailey called the Special Joint Meeting to order in Corte Madera Community Center,
10 498 Tamalpais Drive, Corte Madera, on April 19, 2016 at 6:05 p.m.

11
12 **1. ROLL CALL**

13
14 Councilmembers Present: Mayor Bailey, Vice Mayor Furst and Councilmembers Andrews,
15 Condon and Lappert

16
17 Councilmembers Absent: None

18
19 Planning Commissioners

20 Present: Chair Chase, Vice Chair Metcalfe; Commissioners Bundy and
21 Caldera

22
23 Planning Commissioners

24 Absent: Commissioner McCadden

25
26 Staff Present:

27 Town Manager/Town Engineer David Bracken
28 Director of Planning and Building Adam Wolff
29 Senior Planner Phil Boyle
30 Chief of Police Todd Cusimano, CMPA
31 Town Clerk/Assistant to the Town Manager Rebecca Vaughn

32 **SALUTE TO THE FLAG:** Mayor Bailey led in the Pledge of Allegiance.

33
34 **2. OPEN TIME FOR PUBLIC DISCUSSION - None**

35
36 **3. BUSINESS ITEMS**

37
38 3.I. The Town Council and Planning Commission will meet in joint session to
39 discuss general priorities and set mutual goals and objectives for the
40 upcoming fiscal year.

41 (The Town Council and the Planning Commission will discuss the item and
42 provide input and/or direction to Staff)

43
44 Planning Commission Chair Chase stated the sessions were to provide an opportunity for

1 the Commission and Town Council to discuss projects and priorities. The Commission is
2 currently working on the Tamal Vista Corridor Study process, and he suggested
3 Commissioners add any items. The projects and priorities addressed were as follows:
4

- 5 • Bicycle and pedestrian routes through the Town
- 6 • Traffic considerations
- 7 • C-1 – C-5 zoning
- 8 • Current applications which include the Corte Madera Inn
- 9 • Public transportation for the Town to help with school traffic

10
11 Chair Chase stated he has attended all corridor study workshops here which address
12 traffic, the pedestrian and bicycle community which is the heart of the Town. He said issues
13 relate to bicycle traffic to address including the pathway, the sidewalks, the future of it, the
14 North/South Greenway and how the two bodies will take on study options and he deferred
15 to the Council.
16

17 Councilmember Condon said she recently attended the CDBG meeting and it was
18 announced that in December 2015 the policy for analysis of impediments had expired. The
19 policy stated that if in any way it was perceived that the opportunity for housing was stifled
20 lawsuits could be brought against the jurisdictions. At the time they had discussed this for
21 some time and Corte Madera was subject to it if the Town accepted HUD funds, but this is
22 not accurate.
23

24 She spoke with the Marin County Community Development Department who partners with
25 Marin Housing Trust and the Fair Housing of Marin and they all affirmed that if this is
26 renewed and any property is zoned in any way for housing or mixed use and retail applies
27 to be developed instead, HUD can bring a lawsuit against the jurisdiction. It is complaint-
28 driven but if the Town zones for a mixed use that includes housing, housing would have
29 first priority on that property.
30

31 Mayor Bailey said the Town Council will keep this issue in mind whenever mixed use
32 projects come before the Commission and Council.
33

34 Councilmember Andrews suggested that when the Town creates zoning laws it should also
35 address and consider other facilities in Town that have a comparable functions and uses.
36

37 Councilmember Lappert asked that the Planning Commission review and approve plans
38 that suit the Town and not to be too worried about what outside forces will do. The Town
39 runs it based on what its citizens and town needs to flourish. He said the Council is still
40 dealing with the last project that was forced on them and if one need surpasses the other,
41 he suggested this be considered and defend it as needed.
42

43 Vice Mayor Furst said the Town needs to finalize the Tamal Vista Corridor Study and one

1 area came up during discussions of a proposed housing project on Casa Buena which is to
2 preserve the Town's existing multi-family housing. This is very important because while
3 much of that housing in town is not designated as affordable, it is some of the most
4 modestly priced housing they have and this is precisely why the Town Council included
5 language to preserve that housing in the Housing Element. The Council needs to start
6 review and finalize the policies included in the Housing Element through adoption of
7 ordinances or resolutions.

8
9 The second area is second units, including junior second units. She suggested moving
10 forward finalizing ordinances regarding this type of housing. There has been an outcry of
11 new housing and the push is coming from the state legislature and ABAG, but one way the
12 Town has decided it would like to pursue meeting some of this required housing is through
13 second units which is logical. It provides good housing for a particular segment of the
14 population and also an opportunity for income of homeowners who may be struggling
15 financially. She would also like the town to update its tree ordinance to specifically address
16 heritage trees.

17
18 Transportation is a huge issue and she represents the Town as a representative on the TAM
19 Board as well as the Twin Cities Traffic Taskforce and Safe Routes to School and the
20 problem is funding. The Town has a plan to address traffic, bicycle and pedestrian
21 thoroughfares around the Wornum, Fifer and Tamal Vista area.

22
23 She said the Town applied for funding twice through ATP and the Town along with other
24 Marin jurisdictions did not get funded. They have partnered with Larkspur and the town is
25 doing all it can to increase its ability to score high enough. The Town is not a disadvantaged
26 community and transportation funding is tied to this need and scoring which has changed a
27 bit for this year. This summer there is a large project on Tamalpais Drive and they are
28 meeting with Larkspur regularly to come up with solutions to school traffic, as most of the
29 traffic on Tamal Vista is related to students getting to Redwood High School so
30 partnerships are needed.

31
32 Planning Commission Vice Chair Phyllis Metcalfe stated she has been doing research on
33 junior second units and received and forwarded to the Planning Department a copy of the
34 City of Novato's ordinance. She said the process is underway to create the C-5 zone for
35 hotels and she thinks it is important the zoning cover all hotels to remove the requirements
36 for variances.

37
38 Mayor Bailey summarized consensus among the Council and Commission:

- 39
40
- 41 • Tamal Vista Corridor Study and project
 - 42 • Junior second units
 - 43 • The bicycle, pedestrian and traffic concerns
 - Zoning issues and the need to incorporate and amend language to regulate hotels,

- 1 B&Bs and multi-unit structures
2 • Heritage tree ordinance
3 • Priority for housing when retail or other use is contemplated
4 • Preservation of older multi-family and anti-displacement policies which is
5 consistent in the Housing Element
6

7 Chair Chase asked Vice Mayor Furst if the discussion about transportation is tied to
8 approval of housing units, as well as whether the town receives funding points for mixed
9 use development as it relates to providing low income or employee housing.

10
11 Vice Chair Furst said unfortunately the Town would need to develop significant amounts of
12 housing similar to the Tamal Vista Residences to be eligible for certain available funding,
13 and she did not believe this would occur again in Corte Madera.

14
15 Vice Chair Metcalfe said when talking about affordable housing, Napa County has a
16 program to help low income residents to buy a home by assisting with the down payment.
17 When the house is sold, the assistance is returned to the County and residents can work
18 close to where they work.

19
20 Mayor Bailey thanked and said the Town Council appreciates the work of the Planning
21 Commission. At times the work can feel thankless and it outlives everybody and improves
22 the community.

23
24 3.II Discussion of aesthetic improvements (color options) to the east elevation of
25 building No. 1 at 195-205 Tamal Vista Boulevard (Tam Ridge
26 Residences/WinCup)
27 (The Town Council and the Planning Commission will discuss the item and
28 provide input to Staff)
29

30 Town Manager Bracken stated there has been concern regarding the colors of the building
31 facing the freeway and the Town requested the developer to look at different paint color
32 options for the east side along the freeway. They presented 4 options to the Town which
33 the architect would like to present. He hoped to come to some consensus as to the color
34 and clarified that there is an item on the regular Town Council agenda tonight for action by
35 the Council. At this joint meeting the architect will present what they have to offer, and
36 comments can be received from the Town Council and Commission, and the public.

37
38 ERIC OLSEN, Partner at TCA Architects, representing property owner McFarlane Partners,
39 said from the approved color scheme, there is a color called, and Herbaceous that
40 sometimes appears a bit yellow and a bit yellow/green depending on the color chip,
41 presentation or natural light.

42
43 Their design team reviewed this color and found that when immediately adjacent to the

1 warm wood color, Prodema, the two do not work together as well. He presented color chips
2 and 4 options as to how to replace the Herbaceous yellow/green color so there is more
3 continuity in the project, as this building turns the corner and wraps around and also
4 reinforces the breaking down of the scale which is rather long on this east elevation.
5

6 Mr. Olsen presented color option #1 of Salsify and Ponderosa. Ponderosa is the original
7 color which was part of the entitled approved design as well as the Prodema. The Salsify is
8 the one replacing the Herbaceous color. This option is the one they recommend mainly
9 because as these colors turn the corner and wrap on the building there is a continuity and
10 coherence to the building architecturally.
11

12 Mr. Olsen presented color option #2 and said they reduce the repetition of the colors,
13 reducing their reinforcement of this town home idea so there is more of the same color in a
14 row. He pointed to the Salsify which happens 3 ½ bays, then the middle original color of
15 the Ponderosa and it shifts back, which calms it down a bit.
16

17 Mr. Olsen presented color option #3 which includes those same colors but inverts them. It
18 has the darker Ponderosa color and uses the Salsify in the middle.
19

20 He presented the last option #4 which is to try to improve on what is out there now. They
21 looked at a new color called Beeswax which is a lighter crème color which is adjacent to the
22 Prodema color. They feel those two work together a bit better than the Herbaceous color
23 introduced earlier.
24

25 He thanked the Council and Planning Commission for the opportunity to present these
26 options.
27

28 Mayor Bailey asked for clarifying questions.
29

30 Commissioner Metcalfe asked if they are limited to the 4 options or could they make
31 recommendations.
32

33 Mr. Olsen said they were instructed to use the colors on site right now and find a solution
34 that works to tie everything together and he suggested using the colors on site now. If not,
35 then he would like to hear reasons why the colors do not work.
36

37 Councilmember Condon asked Mr. Wolff if there was a color board of examples, given the
38 colors most likely are not accurate given in a PowerPoint presentation, nor are the small
39 sample chips, noting this was the problem when the colors were originally approved.
40

41 Director of Planning and Building Adam Wolff said the Ponderosa and the Salsify are fully
42 scaled on the building today. He said they will look different at different times of the day
43 and night. The Beeswax color is new, which is option #4 and the paint chip is provided.

1 There is also a sample of the Prodema.

2
3 Councilmember Condon asked if the Town has any latitude in changing the Prodema color.
4 Mr. Olsen said this is more difficult to do, as it involves replacing that and the sub-straight
5 and rebuilding the part. Their first attempt was to work with the existing Prodema mostly
6 because when turning the corner on the south façade, that same Prodema is used there. So
7 architecturally it would be good to tie the building together and maintain that color. He
8 personally believes that when the Herbaceous color is next to the Prodema, they fight
9 against each other, so when the Herbaceous color is removed, the warm Prodema color can
10 work better.

11
12 Councilmember Condon commented that she thinks the portion of the building facing
13 Tamal Vista closest to Gold's Gym was very appealing and had somewhat of a calming
14 effect. While there was still the contrast, it did not have so many colors added into it.

15
16 Mr. Olsen said he has photographs with the new proposed colors and he displayed them
17 which provide another glimpse of what the color chips look like when they are on the
18 building.

19
20 Vice Mayor Furst asked if Mr. Olsen could display the new proposed colors and asked if the
21 same Prodema color was on the original boards submitted. She echoed Councilmember
22 Condon's comments, stating what is on the building right now does not look like what the
23 renderings were. The color of the siding on those original illustrations looked like a
24 weathered teak. It was a grayish wood product and not the orange color on the sample
25 displayed.

26
27 Vice Mayor Furst also referred to the Herbaceous color and said Mr. Olsen indicated this
28 color looked green at times. She asked if it was the Herbaceous on the east side and the
29 Salsify is elsewhere in the project, and this would be brought to the east side. Mr. Olsen
30 confirmed and said it would not be as green as the Herbaceous currently there. Mr. Wolff
31 noted staff is retrieving the original approved design entitlement renderings. Mr. Olsen
32 noted there will always be some difference in what is ultimately built and the renderings,
33 given they are subjective.

34
35 Councilmember Andrews requested the pictures of the buildings as they are now displayed
36 on the screen, as well, and Mr. Olsen stated he did not have these.

37
38 Mayor Bailey opened the public comment period.

39
40 Public Comments:

41
42 JANE LEVINSOHN, Tamal Vista, asked Mr. Olsen to express colors in regular color choices,
43 asked to describe the Salsify color, suggested covering the entire back of the building in a

1 nice tree green so it blends in with the trees, asked what the yellow colors in the building
2 were, and asked to turn off the bright lights at night.

3
4 JEANNE GREENBAUM said she thinks the presentation leaves much to be desired and
5 asked to see actual photographs of what is there now and what the developer is proposing
6 the building will look like. All 4 options look the same to her and she did not think the
7 presentation was sufficient to make a determination.

8
9 Councilmember Lappert stated the photographs being circulated to Councilmembers were
10 much more telling and he suggested they be distributed to the audience members. He
11 agrees that what is seen on a computer-generated image does not reflect accurate coloring.

12
13 PHYLLIS GALANIS, Prince Royal Drive, asked if the dark grey option is being retained, said
14 she hopes the developer will re-do all of the colors and blend the building into its setting
15 and said the fake wood is most objectionable colors to her. She also would like to see what
16 the entire building will look like prior to re-finishing the colors.

17
18 PATI STOLIAR, Casa Buena Drive, said she would like to see a picture of what is there now
19 and to see what it looks like against the various options to compare and contrast.

20
21 Mayor Bailey closed the public comment period and asked for responses from Mr. Olsen.

22
23 Mr. Olsen said what they have today is a photograph on the screen of what currently exists
24 and the 4 renderings that have been distributed as options using that photograph and
25 enhanced.

26
27 Councilmember Andrews asked to scroll through the slides, stating that some of the photos
28 were taken in the afternoon but one picture was taken in the morning or in direct sunlight.
29 Mr. Olsen said the idea is to change the Herbaceous color, eliminate some of the spotty
30 nature and let the 2 grays that exist on the other side of the building turn the corner and
31 bring in that continuity and calm things down a bit.

32
33 Mayor Bailey asked for Commission comments.

34
35 Vice Chair Metcalfe said if Salsify is replaced with a Taupe which would be warmer, fit in
36 better, and then left the dark grey, this would comment the warmth of the Taupe rather
37 than the coolness of the grey and would make the Herbaceous less obnoxious. She also
38 noticed that framing around some of the windows is done in a dark color. She suggested
39 painting the trim in the dark color rather than the white, this would work even better. She
40 also asked that new paint colors be purchased because it does not work. Going from one
41 bad choice to another bad choice will not help the appearance of this building.

42
43 Planning Commissioner Bundy asked if the light grey is Salsify, and Mr. Olsen said yes.

1 Commissioner said if he had to choose an option, he would choose Option #2 because it is a
2 calming influence on the building; that it unifies it a bit and he noticed when he looked at
3 the Preserve off of Paradise Drive that also has some orange panels, it has more of a Taupe
4 color on it and it is a uniform color on the remainder of the buildings which downplays the
5 orange a bit. Therefore, he would choose Option #2 and use the Salsify to calm things and
6 unify the building.

7
8 One other point he said that will help over time is that plantings will do well and trees will
9 do a lot to blend the environment. He would also like to see if the Town could get
10 something done on the mound or the part Corte Madera has control over of just thinning
11 some of the small eucalyptus trees that are there now. If those are fast growing, this will
12 also blunt the appearance of the building and allow it to blend in.

13
14 Chair Chase concurred and said he thinks the 2 colors in Option #1 or #2 are the best. He
15 thinks the upper story colors which are painted in the renderings as a darker color should
16 be closer to the roof color. It would appear then the darker Ponderosa would seem to
17 reflect closer the roof color so the balconies and roof color would be together instead of a
18 flat roof and a brighter color.

19
20 Chair Chase said he would also wonder that since the yellow is there and it appears there is
21 patching going on in every panel that if the Herbaceous could be painted over with
22 something quickly because it looks as though there is waterproofing repair along the entire
23 length of the building.

24
25 He understands that the orange material is difficult to replace and it would be a significant
26 cost impact because it is embedded into the building. Therefore, he would ask that a
27 mockup be done, remove the Herbaceous by painting it over with one of the two greys to
28 present a sample of what might take place, and secondly speak to the concerns people have
29 about the orange wood material.

30
31 Mayor Bailey asked Mr. Olsen to respond to the question of whether they can change the
32 orange treatment. Mr. Olsen said while it is difficult, it can be done.

33
34 Planning Commissioner Caldera said he cannot add much to what Chair Chase has stated
35 and he concurs. Among the 4 choices, he also would like to see Option #2. However, he
36 asked if new colors could be discussed and considered instead of just the 4 options.

37
38 Town Manager Bracken said at this time the Council and Planning Commission can discuss
39 any colors. This is for discussion right now and he is sure the developer and architect
40 would like to hear any and all comments.

41
42 Commissioner Caldera said he thinks everybody needs to understand whether they are
43 going back and starting from scratch and vote for colors or do they work from what is

1 currently there. He said many people are proposing new colors and the discussion is going
2 back and forth. He thinks it is important to decide right now as to whether or not to
3 introduce new colors or move forward with choosing one of the 4 options.

4
5 Councilmember Lappert said he knows nothing about color and is not an architect or
6 designer. The biggest complaint he has heard about this project that overrides all
7 comments is the faux wood. He appreciates the fact that McFarlane and their architect is
8 before the Council again. He also understands that they have no obligation to change the
9 color or material so he appreciates they are here listening. If the Council decides it wants to
10 completely redo the colors and materials, he would ask that the Council have a very narrow
11 focus group and those people's contact is put out to the public so they can talk directly to
12 them about color choices.

13
14 Vice Mayor Furst reiterated that what the Council and Commission are looking at was not
15 what they were supposed to have. What was approved was much more muted and what
16 the architect is returning is much more muted. She does not like the okra color, thinks it is
17 bright and she pointed out that the color of this wood product is not unlike the color of the
18 wood siding at the Preserve, and she did not believe one single complaint was received
19 about that color scheme. She thinks it is because the developer made much more of an
20 effort to incorporate muted colors so the bright color did not stand out.

21
22 In the Preserve project, the developer also used a crème color which she was unsure would
23 be appropriate for this project; however, if these are the only options before the Council
24 and Commission, she would vote for Option #1. She likes the fact there is a differentiation
25 in color between most of the building side and a difference on the top which pulls the
26 building down a bit and grounds it a bit. She also likes the fact that every townhome is not
27 the same color which is how Option #2 is represented.

28
29 She said she is still not convinced these are the perfect colors and was a bit torn. While she
30 does not want the issue to continue on, she thinks picking colors by committee is a very
31 dangerous endeavor. She is almost tempted to table the item and get a qualified color
32 consultant to discuss 2 choices, but if she had to pick one now it would be Option #1.

33
34 Councilmember Condon said she was looking forward to having a choice that would offer
35 the Town an entire new fascia and finds it a bit insulting that the colors are simply shuffled
36 around, stating the Town has undergone fury from people in the community.

37
38 She said she has no problem with the Ponderosa color, but did not like the Prodema color
39 and did not think they are appropriate for the building. She would hope that the matter be
40 sent back or get a professional color consultant to arrive at a palette that is attractive to the
41 building. She liked Vice Chair Metcalfe's suggestions for changes to window trim, as well,
42 but did not concur with any of the options and asked to go back to the drawing board.

43

1 Councilmember Andrews registered an objection that it was not until 3:30 p.m. that he
2 received the actual specifications of the proposed colors. He asked at the last Council
3 meeting that the Council be given the manufacturer's name, color and ID number. This was
4 so he could go to the paint store, get samples, and see what they look like in daylight. Right
5 now they are being asked to look at colors in artificial light so they do not have the
6 information to make the determination. In terms of colors, South Grey on the southeast
7 corner appeared to be the best. He said the dark grey is very bright and when he discussed
8 this at the paint store, they told him it had a trace of purple in it so it is not calming. The
9 lime green color needs to be replaced. On the other side of the building on Tamal Vista, he
10 suggested not changing colors on each floor. Therefore, he suggested the developer go back
11 and work on it a bit.

12
13 Mayor Bailey reopened the public comment period and asked if the representative from
14 McFarlane could comment.

15
16 DERK HOLLAMEYER, McFarlane Partners, stated their intent is that once a choice is made
17 to conduct a field mock-up before they repaint the entire building. He is not a color expert
18 but can say there was quite a bit of work done in considering what the façade of the
19 building would look like if the pale Prodema today was changed to darker colors, and the
20 reaction from the design professionals was not good. He said they are willing to do what is
21 right for the building, and they would invite the Town to look at the mock-up once choices
22 are chosen and then confirm whatever choices are made.

23
24 Councilmember Lappert asked for Mr. Hollameyer's viewpoint about the wood material.
25 Mr. Hollameyer said he does not have a negative reaction to the wood as many speakers
26 have expressed. He thinks the warmer expression of the façade is better than with the new
27 colors versus what he saw with the darker expressions on those wood columns.

28
29 Councilmember Lappert said he loves wood and this is faux. He asked if McFarlane
30 Partners would be willing to make that a real wood color. Mr. Hollameyer said this color is
31 all over the project as well and they cannot replace it all.

32
33 Vice Mayor Furst said she was looking at the original documentation and the website for
34 Prodema. The top color is the Pale and the bottom color is Mocha which is found elsewhere
35 in the project. Rather than introducing a third color Prodema she asked if a different color
36 scheme be considered that related to the Mocha which is much darker, would recede and
37 not be so glaringly bright to everybody passing by on Highway 101.

38
39 Mr. Hollameyer said they could consider this but it was previously indicated that the design
40 team has considered and studied this and this is why the proposed options were presented.

41
42 Councilmember Lappert said in talking about the east elevation only, he asked if it was
43 possible to decide that the developer can change that side of the Prodema to the darker

- 1 one. Mr. Hollameyer said yes, it is possible if once it is rendered, people are happy with it.
2
3 Councilmember Lappert thanked Mr. Hollameyer and said he appreciates this. He noted
4 that this is the main objection because it is the main color as seen from the freeway by
5 many people.
6
7 Vice Chair Metcalfe referred to the original book of colors and pointed to the original
8 rendering of building colors for Building One and it does not come close to what is
9 presently on the building. The brown color does not bear any resemblance from what got
10 painted on the building or what is being shown now and these are McFarlane Partners'
11 original material and colors. She asked why the building was not made as what was
12 approved originally.
13
14 Mr. Hollameyer said the material boards are accurate and he could not speak to the
15 renderings as he did not render them at the time.
16
17 Vice Chair Metcalfe presented the color Prodeema, the Taupe and dark grey color. She
18 pointed out that the warmth of the Taupe makes the building less bright, less obnoxious
19 and it calms down the building. This is why she is suggesting this color be used.
20
21 Mayor Bailey asked if there was general consensus among the Commission and the Council
22 that they would like to see a full mockup incorporating some of the comments. He would
23 like to see a larger presentation that accurately describes and depicts the contrast between
24 a couple of options incorporating the new comments and colors as well as what is currently
25 there. Mr. Hollameyer agreed to do this.
26
27 Councilmember Lappert asked if they will put a paint swatch on the building itself. Mr.
28 Hollameyer said will do this once there is a consensus.
29
30 Mayor Bailey thanked Mr. Hollameyer and asked that representatives attend the meetings
31 given there has been some consternation in the Town over years.
32
33 Vice Chair Metcalfe asked if the windows have wood trim or were they vinyl trim. Mr.
34 Hollameyer said this is vinyl and cannot be painted. He thinks there is a different window
35 product and color on the Tamal Vista side or possibly the storefronts for the retail portion.
36
37 Mayor Bailey asked for further comments prior to moving onto the next item.
38
39 Chair Chase encouraged the selection of one of the two colors of either the Salsify or the
40 Ponderosa to paint over the yellow color and remove it completely. He also asked that
41 McFarlane Partners provide a reasonable mock-up of one or two of those colors. One panel
42 can be painted one color and the other panel the other color in order to be able to see what
43 it looks like. Then they can determine whether the darker wood would come into play

1 which is an expensive proposition, but he asked to put 2 or 3 boards of this on the side of
2 the building. He thinks this would cover that offensive yellow paint color.

3
4 Mayor Bailey asked what the sequence would be to follow to reach an end to the color
5 questions.

6
7 Chair Chase suggested that Ponderosa be painted over the yellow on one patch of the
8 building and paint the other color; Salsify on the other offensive yellow patch. Therefore,
9 the Town would have both colors to view as possible options on the building.

10
11 Councilmember Condon said what might be simpler is looking at the northern side on
12 Tamal Vista where it appears to look like Ponderosa and then there are two other neutral
13 colors with it, and not the green or gold. These colors are much calmer along with the
14 Espresso color which is very good looking, and this would be kept consistent with the rest
15 of the project.

16
17 Mayor Bailey closed the matter and said the Council will take this item up at the regular
18 portion of their meeting.

19
20 Mr. Olsen commented that the first thing they did look at was the dark Prodema color and
21 through those darker greys and taupe on there and it gets very dark. The danger with dark
22 and residential buildings is it feels foreboding. However, his job is to synthesize things and
23 he thinks that marrying the lighter colors of Salsify and a light taupe or maybe the
24 Ponderosa with that darker Prodema would substantially calm things down. He has seen it
25 on the computer screen and would like to work with McFarlane and create a mockup. If
26 there is positive feedback from this, he could take it to the next step and shown the Town
27 what it would look like in totality.

28
29 Mayor Bailey thanked Mr. Olsen and said they would very much appreciate this.

30
31 3.III Tamal Vista Corridor Study: Discussion of Draft Planning Principles,
32 Community Feedback and Policy Direction

33 (The Town Council and the Planning Commission will discuss the item and
34 provide input and/or direction to Staff)
35

36 Director of Planning and Building Adam Wolff said this matter is an opportunity for staff
37 and Dave Javid from the Metropolitan Planning Group (M-Group) to provide an overview
38 with the Town Council and Planning Commission of where they are in the Tamal Vista
39 Corridor Study, provide some background, provide feedback from comments heard at the
40 community meetings and receive thoughts on policy direction, planning principles and
41 planning themes they want to take forward in finalizing a report.
42

1 Mr. Wolff said there are two main goals which is getting some concrete community support
2 and policy recommendations that will address new potential development along the Tamal
3 Vista Corridor, or the east side of Tamal Vista Boulevard between Wornum and Madera to
4 the south. These recommendations will inform new zoning or other land use regulations
5 and create consistent between the General Plan and Zoning Ordinance.
6

7 In addition, while it may not be addressed through actual zoning regulations, they are
8 learning about the identification of specific improvements to the corridor that could
9 enhance its functionality, utility and value to surrounding residents and businesses as a
10 whole.
11

12 Thirdly, they are investing resources into this particular area and they are hoping to
13 identify recommendations that might be applicable to other areas of town that have similar
14 land use designations in the General Plan and similar zoning designations.
15

16 They want to provide an opportunity for residents and other stakeholders in the
17 community to engage and inform dialogue about development in this corridor, provide an
18 educational opportunity in this process about what the land use process is, what zoning
19 means, what the General Plan means in terms of its land use goals, regulations and policies
20 and also have an opportunity for the Town to lead a discussion about development which
21 has been more reactionary in the recent past as development proposals have come
22 forward.
23

24 Mr. Wolff presented the original timeline when they began in the fall of last year. In the past
25 they have conducted a lot of outreach, behind the scenes work of developing analytical
26 tools and they are at a point of ramping up and would like to produce a draft report which
27 will return to the Planning Commission for approval and ultimately to the Town Council
28 over the next couple of months.
29

30 The Town has held 2 workshops in the Community Center in November and April and they
31 have met with various stakeholders in town to receive input and feedback. By July they
32 expect to have a report that outlines recommendations for zoning or other land use
33 regulations for the corridor and in parallel, develop new language that would implement
34 the recommendations by October which is the end of the moratorium.
35

36 The report will include a summary of the process, the area studied as included in the
37 moratorium, and implementing new and consistent General Plan policies which will
38 consider new land use designations for development. He noted much of the commercial
39 areas in town were designated as mixed use commercial areas and the intention was to
40 move from a strictly commercial designation to one that allowed for a mix of uses,
41 including residential. This was put into place in 2009 as a General Plan policy and exactly
42 how that was implemented was left up to these studies and plans.
43

1 Mr. Wolff said the study also provides an opportunity to evaluate the 2009 General Plan
2 policies, keep or make new land use policy recommendations and implementation of
3 recommendations will fulfill not only the objectives of the 2009 General Plan but also the
4 2014 moratorium and the reasons that was put in place.

5
6 The corridor is fully developed with a wide range of commercial structures which is unique
7 to this area of town. There is a range of commercial uses and development intensity that do
8 not necessarily reflect the existing C-3 zoning there. Much of it was built prior to the C-3
9 zoning district. There are varying setbacks and building form and several of the sites have
10 large parking lots with buildings set back toward the highway.

11
12 Another interesting part is that the area directly north of Town Center is surrounded by a
13 wide variety of uses, such as single family homes, Madera Gardens to the west, multi-family
14 residential at Sandpiper Circle, Tamal Vista Boulevard to the west, light industrial zoning,
15 an office, Tam Ridge; a higher density mixed use development to the north, and the
16 highway directly to the east. With exception of the shopping centers, the corridor does not
17 have a frontage road adjacent to the highway so the property starts at Tamal Vista and
18 extend all the way to the highway.

19
20 He presented the current zoning which was written in the early 1970's, and he read the
21 current C-3 regulations. There are other commercial uses allowed such as office and
22 furniture stores, gyms, but bookstores are not allowed even though there is one there, toy
23 and ice cream stores or uses one might find in a neighborhood serving area. The existing C-
24 3 district is limited with FAR allowed at .34 with a height of 35 feet and front yard setback
25 of 20 feet. He said the Marketplace has .34 FAR and is within the height limits but it has
26 legal, non-conforming uses there are grandfathered in, but with an expansion, would not be
27 permitted today.

28
29 Mr. Wolff said the Marin Suites which is almost 2 times over the allowable FAR. The theater
30 has a .13 FAR and is taller at about 45 feet in height. The office building is over the FAR and
31 is about .35 and about 30 feet in height. The 2009 General Plan talked about mixed use
32 commercial and the policies reiterate and spoke to a designation that was intended to
33 encourage a variety of community activities and services to co-exist in close proximity to
34 one another such as jobs, housing and services, thereby reducing the need for extensive
35 automobile travel and the idea of having more of a mix of uses. It kept the same FAR but on
36 top of it, allowing residential uses as well at the density ranges of 15-25 dwelling units per
37 acre up to 31 dwelling units per acre with the density bonus.

38
39 There were also more specific policies in the General Plan that talked about the Community
40 Plan and the idea to increase landscaping in this area, making it more attractive, linking
41 existing uses to other neighborhoods, considering future infill opportunities, higher density
42 residential development, etc. There were several more listed in the development objectives

1 for the Fifer/Tamal Vista Community Plan. There are also many policies for traffic, bicycle
2 and pedestrian objectives.

3
4 Mr. Wolff then presented some slides of the Paradise Shopping Center which was at one
5 point all commercial, but the Aegis Senior Housing development was constructed in 2000
6 and there is connected parking. He presented another example from Old Corte Madera
7 Square where there is more of a vertical integration of mixed use, ground floor commercial
8 and above that, 4 housing units. Another example that was recently developed in Mill
9 Valley has horizontal and vertical mixed use which fronts on Miller Avenue west of Safeway
10 Stores.

11
12 On the street it has a relatively taller building with mixed use, ground floor commercial and
13 residential units above it and it is about 1.2 acres, 4,500 square feet of retail, 21 units of
14 residential with 9 units on top of the retail and another 12 units in the back with an FAR of
15 .5.

16
17 Dave Javid, Metropolitan Planning Group, said as noted earlier, they held many meetings
18 with the community to try to get at the assets and opportunities for the area. From that
19 they derived 11 planning principles and also had a survey on-line to help understand what
20 priorities might rise to the top, recognizing each could have equal weight. The first few that
21 rose to the top were:

- 22
- 23 • Preserve small town character
 - 24 • Address broader traffic issues and around Tamal Vista Boulevard
 - 25 • Ensure that new allowable uses do not have a negative impact on local streets
 - 26 • Enhance Tamal Vista Boulevard for safe, comfortable pedestrian and bike
 - 27 movement; and
 - 28 • Provide improvement to the corridor to calm traffic
- 29

30 Additionally, there were ideas about architectural design, which include:

- 31
- 32 • More value-added development
 - 33 • Facilitate new bicycle and pedestrian circulation that reaches out regional and gets
 - 34 people to the ferry terminal and SMART station and eventually the Larkspur
 - 35 Landing
 - 36 • Encouraging retention of valued community assets and local neighborhood-oriented
 - 37 uses
 - 38 • Emphasizing greenery along the corridor
 - 39 • Encouraging a broader range of commercial uses and more locally serving uses
 - 40 including entertainment
 - 41 • Community and cultural uses, and the idea of allowing residential uses along the
 - 42 corridor that fit the scale and character of the area
- 43

1 Mr. Javid said 51 people took the on-line survey and 43 were residents and one-third
2 worked in Corte Madera. They asked people what other ideas they had and received were
3 the following comments:

- 4
- 5 • Appropriate urban design tools to regulate massing and scale of development
- 6 • Concerns over traffic
- 7 • The need for affordable housing and transit-oriented housing
- 8 • Safer bicycle and pedestrian facilities and how can be facilitated not only on Tamal
9 Vista but beyond.

10
11 Mr. Wolff said staff was also conducting the public review process for the Corte Madera Inn
12 and there were some important lessons learned through that process from the public and
13 ultimately made its way to what will be the Planning Commission and Town Council
14 approval process. Some analysis was done about bike lanes, what could fit on Tamal Vista
15 today and how much should they be planning for in the future.

16
17 He then displayed a graphic of what was approved which depicts a much more generous
18 pedestrian sidewalk, a tree-lined street with 4 ½ foot planters, an 8 foot sidewalk and
19 another 3 foot planter, which is very different from what is present there today. There were
20 additional comments from residents across the street saying the building on Tamal Vista
21 should be no more than 2 stories and if 3 stories it should be pushed further back into the
22 site which was done as well.

23
24 Mr. Javid reviewed community input at the meeting on the 6th, and he noted most
25 supported the principles they arrived at which focused on pedestrian and bicycle
26 circulation, a broad range of commercial uses, consider local serving commercial uses, and
27 consideration for residential under certain conditions. They also discussed permitted uses
28 and he said currently there are uses being considered that possibly do not fit the area. They
29 discussed what current C-1 uses could be considered as well as residential uses. They went
30 through 4 different options of keeping the existing, just allowing commercial uses, looking
31 at residential, or the mix of both residential and commercial which comes from the General
32 Plan. There was overwhelming support to shift toward local serving uses. There was some
33 support for residential within mixed use, but if allocated and articulated effectively, the
34 introduction of senior housing and activating the corridor for local serving uses, bringing
35 buildings to the street that are scaled appropriately, and studying the impacts of parking
36 and traffic.

37
38 They also did a development intensity exercise to get a sense of what the intensity building
39 form and character could be within the area. They looked at the existing .3 FAR, a .5 FAR up
40 to a .75 FAR and considerations for anything different. They had general support for the .5
41 FAR and he displayed a few pictures of what this would look like, with the understanding
42 there is adequate setback from the street for future pedestrian and bike improvements.
43 The neighborhood zone, the next set where the building would be actually close to the

1 street would have a two-story character of mixed use with commercial on the ground floor
2 with something else above up to about 25 feet. The higher intensity zone moves the highest
3 intensity back closer to the freeway and is something that could go up to 35 feet or higher.
4 There are a few examples of this in Mill Valley, but also the Corte Madera Plaza which is
5 currently at a .5 FAR. There was a sentiment that they needed to look at something that
6 provides flexibility for development over time instead of hampering development with a
7 potential .34 FAR.

8
9 Mr. Wolff concluded the presentation and displayed the proposed timeline with a report in
10 July and concluded in October. He said he was available for questions regarding the
11 presentation and asked to obtain some feedback.

12
13 Mayor Bailey opened the public comment period.

14
15 Public Comments:

16
17 BILL PETROCELLI, owner of Book Passage, said they are in the Marketplace Shopping
18 Center at the middle of this corridor. He said they are very pleased with this study and
19 hosted one of the meetings at the store. He has been waiting 15 years to come before the
20 Town Council on this very issue, stating when they moved into the center in 1978, it was
21 zoned C-1 which permitted book stores. They were there for 15 years as a legitimate
22 property use.

23
24 He said sometime around 1994 without any notice, the zoning was changed. He learned
25 about it 4-5 years later. He and the landlord, Jack Krakowski consulted an attorney and
26 tried to learn why this happened. He researched the legislative history of the Council and
27 Planning Commission and could find nothing with respect to this corridor. The only
28 discussion had to do with residential zoning, but the zoning was somehow changed to C-3.
29 Since then, they negotiated and worked as to how it could be changed back and were told
30 that there will be a longer study and it will go before the Town Council and the mistake will
31 be rectified. However, as it stands now, they are a non-conforming use and he does not like
32 to be in that situation as it affects the overall value of their business and will impact them in
33 the future and if nothing, he hopes the Council will change it.

34
35 BARBARA KRISTOFF, Ash Avenue, asked if the Council is looking at changing the zoning
36 back to C-1 and asked whether this is possible as something to do.

37
38 SCOTT HOCHSTRASSER, land use planning consultant representing the Marketplace at 41
39 and 71 Tamal Vista, said for some reason the property did get rezoned in 1994. They filed
40 an application to rezone back to C-3 which is pending and they have been cooperating with
41 the Town staff to get this study done because the General Plan recommends it, and he
42 thinks it is exactly the right direction to go. If the Town wants to get cars off of the road, he
43 asked to improve the circulation for pedestrians and bicyclists. He asked to change the

1 zoning from C-3 which is Highway Commercial to C-1 which is Neighborhood Commercial
2 and said his client can have more neighborhood type uses in his facility that will serve the
3 more immediate community, and this will hopefully get more people out of their cars.
4 When looking at the C-3 zoning that allows auto painting and car sales, they are totally
5 inappropriate for this area. Therefore, he asked the Council and Commission to direct staff
6 to include in the final report under recommendations a rezoning of these properties, or at
7 least the Marketplace, to C-1.

8
9 MICHAEL HARLOCK, Redwood Avenue, said having been part of the steering committee for
10 the 2009 General Plan, he reiterated that the basic commitment to mixed use here is solid
11 and appropriate. He gets worried that because he knows that in the shadow of WinCup,
12 housing has received a bad color in this area. But, the biggest way to get people out of their
13 cars is to limit the number of people who are commuting into Marin to seek employment
14 which is the biggest part of the area's carbon footprint. There is not a lot of opportunity for
15 housing, but this area is appropriate, within reason and with good design. It concerns him
16 that the survey showed housing as 11th out of 10th valued uses and he hopes the Town does
17 not lose sight of the possibility for appropriate mixed use and moderate income housing.
18 He said as an architect, there are any gems in the area and some would benefit from
19 redevelopment, thinks cultural uses are fine, thinks the theater building is not only ugly but
20 hazardous, and he asked to keep housing definitely in the mix and see if the Town can get
21 people out of cars coming from Sonoma and Contra Costa counties.

22
23 DAVID KUNHARDT, Christmas Tree Hill, cited outside market forces are at play which drive
24 values up as well as the inordinate amount of commuting into Marin because of the
25 structure of jobs in the community. He said there are more jobs per resident household
26 here than any other community in Southern Marin and many people commute in and many
27 residents here commute out.

28
29 The second item raised was the issue that the Planning Commission has addressed in the
30 one project which has been moving forward because of the timing of events, which is the
31 Corte Madera Inn rebuild. It has not moved forward to the Council yet, but the simple issue
32 is FAR. He said 20 years ago, the Town changed the nature of the zoning without
33 communicating it to those within the zone, and the other is the Town significantly
34 downzoned, making several properties which are perfectly fine in town non-conforming.
35 Therefore, when they come forward for a natural renovation, it is like they are asking for
36 more density. If the zoning was changed down to an FAR from .48 to .34 and they are
37 asking for .5, this is not a huge change.

38
39 He said he thinks the Council would do well to what Commissioner Metcalfe mentioned
40 which is this is half of a lot covered by a one-story building equivalent in density which is
41 under what most hotels in Marin County are at today, and this should be considered a
42 corrective action by the Council when getting to the issue of what the zoning should be

1 within that entire corridor to bring it up so properties can legally rebuild without having to
2 go through an extraordinary amount of pain.

3
4 PATI STOLIAR, Casa Buena Drive, said she was at both workshops and there was a lot of
5 opposition to housing with the caveat of not ‘throwing out the baby with the bath water’
6 and suggestions to think about workforce and senior housing. She said these types of
7 housing floated to the top as something people embraced. Those who were in Corte Madera
8 in the 1970’s remember that the Village was going to be built with adjacent workforce
9 housing and this never happened but is needed.

10
11 PHYLLIS GALANIS, Prince Royal Drive, said many people talk about wanting the Town to be
12 more accessible for people on bikes and walking and then they can take transit, but there is
13 not really public transit for people to use. If someone lives at Tam Ridge and they want
14 groceries at the Town Center, they must be able to get them back and forth. Some may be
15 able to use Lyft or Uber but some may not. Many people cannot carry their groceries,
16 cannot ride bikes because of their health and she thinks there needs to be consideration for
17 those who need to drive their cars and have it work for everybody.

18
19 Mayor Bailey closed the public comment period. He thanked everybody who attended the
20 joint meeting tonight and said their comments were thoughtful and he noted it is possible
21 to have discourse and debate without being angry. He said this shows why Corte Madera is
22 one of the best towns. He especially thanked the two representatives from the Marketplace
23 and Book Passage, stating their businesses serves as a credit to the community, and he then
24 asked for comments of the Commission and Council.

25
26 Vice Chair Metcalfe said she would like to personally thank staff and the consultant, stating
27 they have done an outstanding job and have reached out to the community for input and
28 have brought up many opportunities.

29
30 Mayor Bailey agreed and asked everybody to be mindful of the time.

31
32 Vice Chair Metcalfe referred to 4 issues, stating it is very important to look at local
33 commercial and not highway commercial designation because there is highway commercial
34 on the other side of the highway. She thinks they must review the FAR and ensure it is
35 realistic. She thinks they must create C-5 zoning with the description for what is right for
36 hotels, and not discussed is to include something about outside lighting. She said this topic
37 is included in the General Plan and she thinks this would provide the opportunity for
38 review of outside lighting standards.

39
40 Commissioner Bundy said he appreciated the work staff was done and he agrees with
41 Commissioner Metcalfe’s comments and he would see as a priority as being able to widen
42 the street to create a better pedestrian walking experience with some calming influence
43 and street trees and a bike lane. He thinks it would require re-working entrances to some

1 of the buildings right on or close to the street, but this could be achieved. Also something
2 beneficial to the community would be to continue with the process of undergrounding all
3 electrical poles along the corridor, continuing even down the Tamal Ridge property beyond
4 the scope of the moratorium, and continuing the greenery and landscaping in town. He
5 thinks any approvals of new uses and redevelopment must look at traffic considerations.
6

7 Chair Chase said he thinks the information brought forth collectively by staff and the
8 consultant was remarkable of what was collated from very disparate comments which is
9 hard to put into a report. He hopes that the Town can get this posted so more members of
10 the public can read it and he asked that the Town Clerk include the link on the front
11 website page so people will read it since he would like greater involvement.
12

13 That said, they are trying to encourage bike/pedestrian walkway that starts at the Corte
14 Madera Inn and be part of the design all the way through the corridor at a minimum if not
15 more of a setback. He thinks the collective discussion of having a setback of buildings from
16 the street is incredibly important, to have these properties properly and responsibly
17 developed the Town needs an FAR at a .5 or somewhere in that area. Having a mixed use
18 residential zoning is important which has to be incentivized so businesses can utilize it as
19 employee housing so people who work there live there.
20

21 Chair Chase said along with Commissioner Bundy, he has reviewed the poles and the Town
22 must figure out how to get PG&E to apply grant money for the entire corridor to be
23 undergrounded. When looking at the north end of Tamal Vista and the commercial area,
24 there is a lot of ground in front of those buildings which could be utilized to create a
25 comfortable corridor on both sides of the street down past the residential section of the
26 neighborhood. He thinks the study of bulk setback from the street is incredibly important
27 and that this becomes a guiding document in how the Town looks at what it does there.
28

29 Commissioner Caldera said there are many good ideas and he thinks zoning should
30 incentivize light commercial to serve the community, such as restaurants, book stores,
31 theaters, toy stores, and gyms. However, he does not personally think that a mixed use
32 residential and commercial in that area would be the proper fit because residential
33 development so close to the freeway has a lower quality of clean air, higher level of noise
34 pollution and overall, has a tendency to appreciate at a lower level than other areas.
35

36 Councilmember Lappert concurred with Commissioner Caldera's comments and said his
37 concern with Tamal Vista is the separation from residential to commercial. In looking from
38 Chickasaw down to Madera, Council Crest, and the Tamal Vista intersection, residences
39 there are most impacted by this. What he likes that has been done already is in front of the
40 Town Center along Madera where there is separation from the street and residences with
41 wall planting that provides privacy. He thinks this is something better to implement
42 because if homes are built that close to the freeway, nobody wants them, they are priced at
43 a lower level and they are not great places to live so close to traffic.

1
2 He suggested deciding that residences need to be protected from any further development,
3 give them their own small street with no parking or sidewalks and they can develop a quiet
4 neighborhood of their own which is not impacted by traffic and could be used as part of the
5 bicycle system, and the rest of the area leave as offices and commercial and regulate them
6 properly with FAR and height limitations, but keep the scale correct. He said the area is
7 okay for a hotel because guests will stay there a few nights, but those homes' backyards
8 that front the freeway have a tired look and property values decline and blight occurs.

9
10 Vice Mayor Furst thanked staff and the consultant for the tremendous amount of work and
11 said how they have distilled everything down is very useful and helpful to understand. She
12 highlighted that she likes the concept of local serving commercial, is concerned with traffic
13 implications if the entire corridor is allowed to develop, thinks it makes sense to correct
14 what has been done with zoning for the Marketplace; however, she was not sure she wants
15 toy stores and ice cream stores all the way down the corridor, given the need for people to
16 drive to them. She thinks it makes sense to have hotels, office buildings, some modest
17 mixed use, thinks the Town needs to be mindful about things like parking.

18
19 She said she was also very concerned with what the State legislature might say with regard
20 to parking requirements if the Town allows mixed use in the entire corridor because they
21 like to limit the local government's ability to do things like regulate parking. With
22 commercial there is more leeway.

23
24 Additionally, traffic is already congested. She personally believes that adding improved
25 bicycle/pedestrian facilities can help. It is not the magic bullet, but knowing that 20% to
26 25% of morning traffic is school related, getting kids on bikes would be a big dent and they
27 just need to bring the usage down so as not to be in gridlock. She agrees with
28 Commissioner Metcalfe's comments about lighting and suggested additionally addressing
29 signage, specifically brightly backlit signs.

30
31 She also has not thought much about it but the Town will receive another RHNA allocation
32 for housing. If ABAG saddles the town with another large number, the Town will have to
33 develop some housing. Whether this corridor is appropriate or not, possibly modestly they
34 could accommodate some but she does not want big mixed use. She does not feel the need
35 to put in as many units as in Mill Valley and certainly not a WinCup.

36
37 Councilmember Condon said she thinks it would be appropriate to revisit the zoning for the
38 Marketplace. At the same time, she suggested perhaps the Planning Commission could
39 review all permitted and conditional uses in that area which can be an interesting exercise.
40 She also thinks it is important to enhance circulation opportunities on Tamal Vista and
41 whether it is traffic, bicycles, pedestrians, it needs improvement.

42

1 She referred to zoning for local serving purposes, with the zoning that has been done for
2 the Best Western, it is important to look at other hotel sites through town and have some
3 sort of consistency so if anything comes up at a later date, the Town does not have to hold
4 year-long reviews to adopt appropriate guidelines. She would discourage increasing
5 housing opportunities along the Tamal Vista corridor because it usually benefits the
6 developer to put in units to acquire the density bonuses. With those bonuses, things like
7 widening streets or sidewalks and heights are impossible to implement. From her
8 observations, even though developments are close to transportation or their jobs, people
9 still drive vehicles, and with the density bonuses, there are reduced requirements for
10 parking and many people have objected to the limited parking at WinCup. Therefore, mixed
11 use development might be more problematic than the Council thinks.

12
13 Lastly, she knows the theater has been purchased but it has always been the only place for
14 entertainment in town. She hoped there might be some way that zoning option could be
15 made for it as a source of entertainment, a cultural venue of some sort, or an inter-
16 generational center which the Town does not have. She asked that the corridor serve Town
17 residences and not something that necessarily attracts people from outside the Town.

18
19 Councilmember Andrews agreed with the sentiment of legalizing existing businesses. He
20 has read through planning notes and one item was to determine the highest and best use
21 for each site. He asked for whom would this be for, over what timeframe and for what
22 purpose. The Town has been successful because it has had a variety of activities including a
23 strong commercial base. He does not want to see the Town lose this in order to add
24 housing. Therefore, he asked to define mixed use as C-1, C-2, C-3 and C-5, but keep housing
25 out of the commercial parts of Town because otherwise, the Town will lose its sales tax
26 base which is one of the reasons why the Town has been able to financially survive.
27 Otherwise, they will be a monoculture of single family homes that are taxed, each
28 homeowner having to pay the full cost to the city.

29
30 Mayor Bailey apologized for the time. He echoed comments from everybody, and said he
31 agrees with zoning for hotels and regulations regarding outside lighting and widening the
32 streets and adding bike lanes which may address lessening the load of parents driving kids
33 to and from school every day. He agrees that from an aesthetic standpoint, he supported
34 undergrounding all electric utilities which would make the entire region look better. Most
35 important to him is to help current businesses and residents who are there thrive. The
36 Town should be looking at ways to protect parking spaces for those residents who live
37 nearby as well as those spaces for the proposed development going in.

38
39 He thinks the discussion has been an excellent one and he asked and confirmed with Mr.
40 Wolff he had sufficient direction. He said the Council will adjourn the joint meeting, take a
41 break and convene its regular Town Council meeting.

42
43 **4. ADJOURNMENT**

- 1
- 2 The Special Joint Town Council and Planning Commission meeting adjourned at 8:30 p.m.
- 3 to the regular Town Council meeting of April 19, 2016.
- 4

1 DRAFT

2
3 MINUTES OF APRIL 19, 2016

4
5 REGULAR MEETING
6 OF THE
7 CORTE MADERA TOWN COUNCIL
8

9 Mayor Bailey called the Regular Meeting to order in the Corte Madera Community Center,
10 498 Tamalpais Drive, Corte Madera, CA on April 19, 2016 at 8:35 p.m. after having
11 adjourned its Special Joint Meeting with the Planning Commission.
12

13 **1. ROLL CALL**

14
15 Councilmembers Present: Mayor Bailey, Vice Mayor Furst and Councilmembers Andrews,
16 Condon and Lappert
17

18 Councilmembers Absent: None
19

20 Staff Present: Town Manager/Town Engineer David Bracken
21 Director of Planning and Building Adam Wolff
22 Town Attorney Randy Riddle
23 Acting Deputy Fire Chief Pete Davis
24 Senior Planner Phil Boyle
25 Town Clerk/Assistant to the Town Manager Rebecca Vaughn
26

27 Mayor Bailey moved up Public Open Time to the beginning of the agenda and asked that
28 Item VII.1 be continued, which has to do with selecting aesthetic improvements and color
29 options to Building No. 1 at 195-205 Tamal Vista Boulevard (Tam Ridge
30 Residences/WinCup).
31

32 Councilmember Andrews suggested Councilmembers Condon and Planning Commissioner
33 Metcalfe provide the Town Council with color samples prior to the item being heard. Mayor
34 Bailey suggested the item simply be continued.
35

36 MOTION: Moved by Lappert, seconded by Condon, and approved unanimously by the
37 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
38 None)
39

40 To move up Public Open Time and continue Item VII.1
41

42 Mayor Bailey announced that flags at a couple of pedestrian crossings have been returned
43 today. This subject will not be brought forward as an emergency item but instead, he will
44 provide information under his report.

1
2 **2. OPEN TIME FOR PUBLIC DISCUSSION**
3

4 DR. LLOYD GROSS thanked the Council for their continued support toward the Corte
5 Madera Town Band. This is the band's 20th anniversary. They formed in 1996 and to date
6 they have about 40 musicians of which 88% are not from Corte Madera. Annually, they
7 have 40 rehearsals, hold 6-8 concerts mainly in Corte Madera and their new conductor is
8 Dan Thomas, the Director of Music from the Terra Linda High School. Upcoming concerts
9 include the Spring Concert on April 29th at 7:30 at the Community Center, the Centennial
10 Concert on June 11th, Piccolo Pavilion on June 19th, and the 4th of July Parade.

11
12 DAVID KUNHARDT, Christmas Tree Hill, stated the Lions Club will co-sponsor the band and
13 asked for the Town's collaboration. He announced a Candidate's Night Forum will take
14 place in the Community Center on May 18th for District 4 Supervisor and he thanked Mayor
15 Bailey for agreeing to moderate the session.

16
17 MICHAELA GUINNESS, Golden Hind Passage, Founding Director of Lilypad Homes, asked to
18 agendize the subject of adopting an ordinance allowing junior second units. She reported
19 that Pati Stoliar conducted a survey and 171 households indicated their interest in creating
20 junior second units, and she is working with the sewer and water districts to garner their
21 support and asked that Corte Madera adopt an ordinance.

22
23 Mayor Bailey commented that in the prior joint session the Council identified this as one of
24 the priorities given to the Planning Commission to consider.

25
26 JANE LEVINSOHN, Tamal Vista, reported that last night the City of San Rafael banned
27 smoking in all of downtown San Rafael from Mission Street to the transportation center
28 down 4th Street to H Street. The 20 foot distance no longer applies and it also includes
29 vaping as well. She knows the Town has banned smoking in the park and has implemented
30 the 20 foot restriction, but she asked that the Town implement the same action as the City
31 of San Rafael.

32
33 DAVID MCPHEARSON, Corte Madera Avenue, said he is in favor of the pedestrian flags and
34 will speak at the next meeting if it is agendized. He was able to find the federal law which
35 states flags are not a traffic control device, but would like to continue to keep flags up as an
36 interim safety measure until the construction of the rectangular flashing beacons is
37 installed in the next year.

38
39 JENNIFER HARRISON, Hawthorne Avenue, Larkspur, echoed Mr. McPhearson's comments.

40
41 **2. PRESENTATION**
42

1 2.I Resolution 08/2016 In Support of Distracted Driving Awareness Month

2
3 Mayor Bailey asked for public comments and there were none. He waived reading of the
4 resolution and suggested a motion. Councilmember Condon commented that the Town is
5 partnering actions of the CMPA.
6

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

10
11 To adopt Resolution 08/2016 in support of Distracted Driving Awareness
12 Month
13

14 2.II PG&E Presentation: Community Gas Pipeline Initiative in Corte Madera
15 (Presentation by PG&E Project Staff)
16

17 MARK VAN GORDER, PG&E representative, stated he is here with PG&E Land Agent Chris
18 Long who can answer questions regarding the Community Gas Pipeline Initiative in Corte
19 Madera. He said PG&E has 6,750 miles of transmission pipeline and this pipe serves
20 distribution lines which travel throughout the County of Marin, serving all of Marin's
21 jurisdictions. He said the pressure of these pipelines is 60 pounds/square inch or higher
22 and PG&E has conducted hydro-testing work which serves to ensure there are no leaks and
23 lines are safe. They also conduct internal pipe inspections, valve automation, survey gas
24 leaks, and have aerial and ground patrols every 5 weeks or more.
25

26 Mr. Van Gorder said if there is an issue with a gas leak, Fire Departments will respond and
27 an area may be evacuated. PG&E shuts down the area to make repairs and they work
28 directly with first responders. Vegetation sometimes grow around transmission lines and
29 they are engaging with Town staff and private property owners to ensure trees are planted
30 at a safe distance. They have worked with the CPUC to create a zone around trees so as not
31 to interfere with gas lines. Trees which are identified as being in these zones and pose a
32 safety concern are removed and replaced. PG&E works with staff and private property
33 owners and typically suggest 15 gallon replacement trees.
34

35 He said PG&E is in the process of conducting community outreach and their goal is to begin
36 a dialogue over a period of time, answer questions, share concerns, collect and review data
37 and determine the best way to move forward. They will not move forward with any
38 planned work unless they have full agreement to move forward. He said Gregg Gillis is part
39 of their customer outreach team and said more information can be found at PG&E's website
40 under gas safety and he and Chris Long were available to answer questions.
41

1 Councilmember Condon said a few years ago PG&E was removing trees that were
2 interfering with above ground power wires and she asked if this was being done. Mr. Van
3 Gorder said this is a separate safety program and he could forward contact information to
4 the Town.

5
6 Councilmember Andrews asked Mr. Van Gorder to display the map to show where the
7 pipeline runs, particularly in Madera Gardens.

8
9 Vice Mayor Furst asked for clarification of where affected trees are located along the
10 transmission line and she asked how many property owners are affected. Mr. Van Gorder
11 clarified that affected trees would include only those along the transmission lines. Mr. Long
12 said approximately 23 private property owners have been identified as being affected, but
13 about half of this inventory is owned by Caltrans right-of-way along Highway 101.

14
15 Vice Mayor Furst said she is very concerned about what this will do to the look of Corte
16 Madera. She asked to obtain specific information about any tree Corte Madera will stand to
17 lose on public rights-of-way and asked that the Town be provided with more specific
18 information.

19
20 Mr. Long said PG&E is in the process of conducting risk assessment on vegetation that falls
21 within 14 feet of the pipeline and specifically those that pose an immediate threat to the
22 pipeline.

23
24 Vice Mayor Furst asked if PG&E could return to speak to the community and report results
25 of the assessment and those identified as an immediate threat. Mr. Van Gorder stated PG&E
26 is assessing the 28 foot area around vegetation, for what PG&E would call unacceptable
27 immediate threat directly over the pipeline as well as those trees that are deemed to be
28 manageable. Once the assessment is complete he can return and report results.

29
30 **4. COUNCIL AND TOWN MANAGER REPORTS**

31
32 - Town Manager Report

33
34 Town Manager Bracken gave the following report:

- 35
- 36 • The Customer Service Representative will start employment the third week in
 - 37 May.
 - 38 • The Neighborhood Response Group Coordinator has been selected and will start
 - 39 soon.
 - 40 • The plans for the Town Hall Remodel project have been submitted for permitting
 - 41 and work will hopefully start in the middle of June.

- 1 • The bid for the safety improvement project on Tamalpais will go out in July and
2 work should start in August. This will include the rapid flashing beacons,
3 replacement of curb ramps from Corte Madera Avenue to Madera Boulevard and
4 a slurry seal and restriping.

- 5
6 - Director of Planning & Building Report on Tamal Vista East Corridor Study
7

8 Mayor Bailey deferred the report by the Director of Planning and Building regarding the
9 Tamal Vista East Corridor Study, given the prior joint workshop on the matter.

- 10
11 - Council Reports
12

13 Councilmember Lappert had no report.
14

15 Vice Mayor Furst gave the following report:
16

- 17 • She attended a TAM Executive Committee meeting and reported that OBAG II
18 applications are due May 6th and she hoped the Town could acquire funding.
19 • She attended a Twin Cities Traffic Task Force meeting with Councilmember Lappert.
20 The Town is working with Larkspur to coordinate traffic and bicycle/pedestrian
21 solutions including fine-tuning a second application for ATP funding for the
22 Wornum/Tamal Vista/Fifer area.
23 • School attendance according to the Larkspur-Corte Madera School District
24 Superintendent is up by about 50% over the last several years which will continue
25 to filter up to the high school. The Town is asking that Larkspur address the two
26 stop signs at Redwood Avenue and encourage more carpooling and other measures.
27 • She attended a Central Marin Sanitation Agency (CMSA) meeting and reported the
28 following:
29 ○ In 2013 there was a bio-gas generation system installed where CMSA uses
30 waste sludge from the district operations as well as foods, oils and grease
31 (FOG) to bio-digest and create methane which is burned. This provides about
32 21 hours a day of needed gas to operate CMSA's sewage treatment plant.
33 ○ CMSA will be bringing in more waste and the facility will plan on generating
34 more electricity than it needs to operate the entire facility, and after
35 negotiation of an agreement, this energy will be sent back into PG&E's grid.
36 ○ She said SB 666 would require locator tape to be installed in trenches where
37 new laterals are installed. She asked Town staff to consider investigating this
38 in the future.
39 • She has asked that CMPA increase traffic patrols temporarily on Tamalpais Drive in
40 the morning and afternoon school travel times due to parental concerns relating to
41 crossing Tamalpais Drive.
42

1 Councilmember Condon gave the following report:
2

- 3 • She attended the Chamber of Commerce Board meeting and reported the following:
 - 4 ○ Their annual silent auction event will be held April 28th which is open to the
 - 5 public and will be held at the former Max's Restaurant at Best Western, and she
 - 6 encouraged attendance.
 - 7 ○ On Friday evening, April 29th the 20 year anniversary of the Corte Madera Town
 - 8 Band will be held which is a great event.
- 9 • She highlighted that June 10-12 the Town will have special family activities in
- 10 celebration of the Centennial.
- 11 • A request for filming in Town has been received, and she suggested the Council
- 12 review its policies regarding filming.
- 13 • She reported that the new Manager of the Village is Stan Hoffman.
- 14 • At the League of California Cities, a presentation was given by the Director of
- 15 Southern California Association of Governments (SCAG) and they have a different
- 16 way of determining RHNA numbers which the Town might look to. This works to
- 17 the benefit of small towns in retaining their small town character.

18
19 Councilmember Andrews gave the following report:
20

- 21 • The consultant for the MTC/ABAG planning merger has issued his report and it
- 22 appears he will recommend that planning staff from ABAG be moved to MTC.
- 23 Therefore, agencies will be receiving RHNA numbers from MTC.
- 24

25 Mayor Bailey gave the following report:
26

- 27 • While the Town is not endorsing or hosting the event, he has been asked and has
- 28 agreed to moderate the debate for District 4 Supervisor, and he asked for Council
- 29 feedback.
- 30 • He has spent time addressing concerns regarding the pedestrian crossing flags,
- 31 received many emails, conducted research and he thanked the Town Manager and
- 32 Town Attorney. The flags were returned, noting there are issues relating to liability
- 33 and a permit and fee are needed to use these. He noted the measure is an interim
- 34 measure and in preparation to completion of a Town project. Concerns were raised
- 35 about safety of the crosswalk, and he recommended the Town address the matter on
- 36 an upcoming agenda.
- 37 • Last weekend on Saturday, he held Saturday Morning Coffee with a Councilmember
- 38 at Café Verde, and people were extremely polite and friendly and he will bring
- 39 feedback to a future meeting. He asked that a Councilmember consider meeting with
- 40 him as the exercise is useful and he learned a lot from residents.

41
42 **5. CONSENT CALENDAR**
43

- 1 5.I Waive Further Reading and Authorize Introduction and/or Adoption of
2 Ordinances by Title Only. (Standard procedural action – no backup
3 information provided)
4
5 5.II Approval of a Supplemental Appropriation in the Amount of \$26,000 to the
6 Fire Department Budget for Mobile Data Terminals and Turnout Gear.
7 (Report from Pete Davis, Acting Deputy Fire Chief)
8
9 5.III Receive and File Investment Transactions Monthly Report for February 2016
10 (Report from George T. Warman, Jr., Director of Administrative
11 Services/Town Treasurer)
12
13 5.IV Approve Warrants and Payroll for the Period 4/01/16 through 4/13/16:
14 Warrant Check Numbers 213344 through 213435, Payroll Check Numbers
15 5178 through 5185, Payroll Direct Deposit Numbers 29243 through 29314,
16 Payroll Wire Transfer Numbers 1994 through 1997, and Wire Transfer of
17 5/02/16.
18 (Report from George T. Warman, Jr., Director of Administrative
19 Services/Town Treasurer)
20

21 MOTION: Moved by Andrews, seconded by Condon, and approved unanimously by the
22 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
23 None)
24

25 To approve the Town Consent Calendar Items 5.I through 5.IV
26

27 **6. PUBLIC HEARINGS - None**
28

29 **7. BUSINESS ITEMS**
30

- 31 7.I Consideration and Possible Action to Select Aesthetic Improvements (Color
32 Options) to the East Elevation of Building No. 1 at 195-205 Tamal Vista
33 Boulevard (Tam Ridge Residences/WinCup).
34 (Verbal report from staff)
35

36 Mayor Bailey reported this item has been continued.
37

- 38 7.II Consideration and Possible Action to Approve Resolution No. 09/2016 of the
39 Town Council of the Town of Corte Madera Receiving and Accepting the
40 Calendar Year 2015 Annual Progress Report for the Housing Element
41 (Report from Adam Wolff, Director of Planning and Building)
42

1 Director of Planning and Building Adam Wolff said staff annually reports on the number of
2 housing units the Town has permitted over the last year. He said the requirement is per
3 state code and the report is forwarded to HCD. He reported that one second unit was
4 permitted by the Town last year which should be counted as a low income unit. He said
5 staff recommends the Town Council adopt Resolution No. 09/2016.

6
7 Mayor Bailey opened the public comment period and there were no speakers.

8
9 Vice Mayor Furst pointed out that the report reflects the small town character of Corte
10 Madera, and she made a motion.

11
12 MOTION: Moved by Furst, seconded by Lappert, and approved unanimously by the
13 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
14 None)

15
16 To adopt Resolution No. 09/2016 of the Town Council of the Town of Corte
17 Madera Receiving and Accepting the Calendar Year 2015 Annual Progress
18 Report for the Housing Element

19
20 7.III Discussion and Possible Direction to Staff Regarding Changing Municipal
21 Election Date for Electing Council Members from November of Odd Years to
22 November of Even Years
23 (Report from David Bracken, Town Manager)

24
25 Town Manager Bracken stated his staff report provides statistics about election years and
26 what other cities in Marin are doing. He provided Mr. Warman's verbatim email on this
27 matter and deferred the discussion to the Mayor.

28
29 Mayor Bailey said the Town Attorney forwarded him additional information not in the
30 packet and said the Council is effective in getting things done and they rarely have
31 philosophical arguments about national public policy issues at the Town Council meeting,
32 but what changed his mind is that turnout is very low and there are financial reasons to
33 change the Town's election to even number years.

34
35 He said the two ways of doing this is to truncate a turn and the other way is to elongate a
36 term. The example provided by the Town Attorney was in Newark, California where they
37 elongated the term which meant that each Councilmember would have an additional year
38 on their term which may or may not be palatable to the public. He said they could also all
39 agree to truncate their terms which would satisfy concerns of elongating their terms. These
40 are the option available and he asked for clarifying questions.

41
42 Councilmember Andrews suggested a third option which could be to hold elections for the

1 current Councilmembers with the understanding of whoever is elected in 2017 would
2 serve a 5 year term that would gradually address the item.

3
4 Mayor Bailey opened the public comment period.

5
6 Public Comments:

7
8 PHYLLIS METCALFE, Parkview Circle, said traditionally when this is proposed, the Council
9 extends the term for one year. She said this avoids having to truncate the terms of those in
10 office. She explained that just because Councilmembers are on the same ballot with
11 national or other issues, this does not mean Councilmembers will be voted for. Studies have
12 shown that people do vote but possibly one-quarter of them do not vote for those positions
13 further down on the ballot. One would hope that people go through the entire ballot, but
14 this is not what happens.

15
16 Mayor Bailey said if a 58% voter turnout was seen for a larger election cycle, he asked how
17 much less the percentage would be for those who fail to vote for local elections. Ms.
18 Metcalfe said she believes it would be one-quarter or one-third of people would vote when
19 getting down to the ballot for Councilmembers. She said the Town could save considerably
20 more money given election charges of the County.

21
22 DAVID KUNHARDT said he is completely delighted that the Council has taken this up after
23 he suggested it after the last election. It not only saves money, but people need to do as
24 much as they can to advance one person with one vote and to advance the democratic
25 process instead of restricting it. He thinks the Town can distinguish between those
26 presidential, senate or judge candidates where the party is considered and those local
27 candidates for office where local matters come into play. What the Town is not big enough
28 to do is get out and vote for just a local election, and he thinks the Town should be working
29 to encourage that as much as possible.

30
31 Mayor Bailey returned discussion to the Council.

32
33 Councilmember Andrews said he is ambivalent about the matter. He said if County
34 Supervisors were running odd number years, he would argue keeping the election activity
35 local. His bias is his third option. If the Town is going to change its election cycle, he would
36 like the election to be in June rather than November. This year, most activity at the
37 Supervisor level seems to be occurring now and this would keep the Town locally oriented.

38
39 Councilmember Condon said if the election is held in June, this would elongate terms by 6
40 months. From the public's perception it would be more palatable, but she was not sure how
41 Councilmembers felt about June versus November. She was happy to go with the majority
42 of the Council.

1
2 Vice Mayor Furst said she was leaning more towards truncating it rather than lengthening
3 it.

4
5 Mayor Bailey asked for thoughts about doubling up with the national or state elections.
6 Vice Mayor Furst recognized the Town could save money, but she asked if there were
7 always June elections in even years.

8
9 Councilmember Andrews stated yes, and Town Attorney Riddle said statewide candidates
10 will run on presidential years.

11
12 Vice Mayor Furst said she thinks about this as being on two tracks; the A and the B tracks.
13 She said Mayor Bailey and Councilmember Andrews would be on the A track, given their
14 terms end November 2019. Councilmember Condon, Lappert and herself would be on the B
15 track and their terms are up November 2017. If the election were truncated to a June
16 election, it would be truncated by 1 ½ years. If they elongate it by 6 months, it would go to
17 a June election.

18
19 Mayor Bailey said he did not consider moving it to June and the reason why he thinks the
20 Council should move the election is that the turnout for the June election is as great as it is
21 for the November election.

22
23 Vice Mayor Furst asked if turnout is the be-all/end-all notion. She thinks it is part of it, but
24 part of it is also saving money and if people do not want to vote for anything in June, they
25 will not care about voting for Town Councilmembers and she did not want to force people
26 to vote if they do not know the issues or the candidates.

27
28 Councilmember Lappert said there are politics and doing civic duty. He does not consider
29 what the Council does to be politics. No one knows his political affiliation and he has always
30 wanted to separate Councilmembers from those who run for political office as much as
31 possible. One of the ways the Town can do this is by not aligning itself or associating itself
32 with this. He said he would simply like to know he did his job in getting citizens what they
33 need and he prides himself on not aligning himself with those in politics. The idea that as
34 soon as a Councilmember is going to run for election the same time that higher level
35 politicians are running, they will be forced to be people they are not meant to be.

36
37 Mayor Bailey acknowledged this position, but the thing that changed his mind was the
38 sheer numbers of voter turnout.

39
40 Councilmember Lappert briefly discussed the whirlwind of endless drama and said he likes
41 the fact that the Council is separated from this. Therefore, he would caution the Council to
42 be careful.

1
2 Mayor Bailey said he hears Councilmember Lappert's point and said the reason he placed
3 the item on the agenda is that he comes down on the other side. He asked if it was the
4 Council's desire to take it to the next step. He asked how much it would cost to have the
5 Town Attorney and Town Manager work on the change.

6
7 Vice Mayor Furst said she believes it would cost a lot less than it would cost if they
8 otherwise did not if they change the date.

9
10 Mayor Bailey suggested staff identify the cost difference in moving to the larger election
11 and to provide background information on merits of moving it to June in even numbered
12 years.

13
14 Town Manager Bracken said staff could do this and said they did a cursory review of costs
15 in the past.

16
17 Councilmember Condon said the only concern she has and the reason she recommended
18 June instead of November was that the public perception is that they would vote
19 themselves into another year of office. Mayor Bailey concurred, but said he was happy to
20 give up a year as well. He noted June addresses this problem.

21
22 Councilmember Andrews said an analogy would be that no one in Congress can vote
23 themselves a raise but they can vote their successor a raise.

24
25 Councilmember Condon said she thinks it is scary to open this up to new people and right
26 at the start they have 5 years. Mayor Bailey said it could be for a 3 year period at the start.
27 Vice Mayor Furst said she would rather see this option.

28
29 Councilmember Lappert asked to consider his comments and reiterated that the Town
30 does not need further outside influences.

31
32 Mayor Bailey asked that staff provide more information on other jurisdictions having done
33 this, costs, and options. Councilmember Andrews asked to collect Corte Madera's specific
34 voting percentages and compare it to up ballot participation in order to get a feel for
35 whether historically it matters or does not matter. Mr. Bracken agreed to bring back
36 information.

37
38 7.IV Review of Draft May 3, 2016 Town Council Agenda

39
40 Mayor Bailey asked the Town Manager to agendize the pedestrian flag matter for the May
41 3rd meeting.

42

1 Councilmember Condon asked that update of the Town's filming policy be agendized and
2 briefly described costs to film in Corte Madera, which she said was higher than the cost to
3 film in San Francisco or any other jurisdiction, as well as other areas of the policy which is
4 outdated.

5
6 Mr. Bracken noted that Town staff will be out of town over the next month and he
7 suggested making this a tentative item, stating he was not sure what could be involved in
8 the update. Mayor Bailey suggested maintaining it as a spill-over item.

9
10 Vice Mayor Furst said the Town has not discussed the ABAG/MTC merger and asked that
11 this be agendized for discussion. She suggested that Pat Eklund be invited to attend the
12 meeting or provide a written report/update. She said the ABAG General Assembly is being
13 held on April 22nd and Councilmembers can attend but not vote.

14
15 Mayor Bailey asked for public comment and there were no speakers.

16
17 7.V Approval of Minutes of April 5, 2016 Town Council Meeting

18
19 MOTION: Moved by Lappert, seconded by Condon, and approved unanimously by the
20 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
21 None)

22
23 To approve the Minutes of April 5, 2016 Town Council Meeting, as submitted.

24
25 **8. CLOSED SESSION**

26
27 The Town Council adjourned to Closed Session at 9:55 p.m. to discuss the following matter:

28
29 PUBLIC EMPLOYEE APPOINTMENT [Govt. Code Sec. 54957]
30 Title: Town Manager

31
32 The Town Council reconvened its regular Town Council meeting at 10:35 p.m. Report out of
33 Closed Session will be given at the beginning of the May 3, 2016 Town Council meeting.

34
35 **9. ADJOURNMENT**

36
37 The meeting was adjourned at 10:36 p.m. to the next regular Town Council meeting on May
38 3, 2016 at Town Hall Council Chambers.