



AGENDA

CORTE MADERA TOWN COUNCIL
AND THE BOARD OF SANITARY DISTRICT NO. 2, A SUBSIDIARY
DISTRICT TO THE TOWN OF CORTE MADERA
TOWN HALL COUNCIL CHAMBERS
300 TAMALPAIS DRIVE
TUESDAY, NOVEMBER 1, 2016
6:30 P.M.

6:30pm - CLOSED SESSION

I. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d)
of Section 54956.9: (One case)

II. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957
Title: Town Manager; Goal Setting Discussion

1. 7:30pm: OPEN SESSION

- I. CALL TO ORDER, ROLL CALL AND SALUTE TO THE FLAG**
- II. REPORT OUT OF CLOSED SESSION**

2. 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.

3. PRESENTATION: None

4. TOWN MANAGER AND COUNCIL REPORTS

- Town Manager Report
- 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. Approve Warrants And Payroll For The Period 10/14/16 Through 10/26/16:
Warrant Check Numbers 214756 through 214861, Payroll Check Numbers 5329 through 5344, Payroll Direct Deposit Numbers 30662 through 30780, and Payroll Wire Transfer Numbers 2074 through 2081.

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

Documents:

[5.II PAYROLL AND DEMANDS 10.14.16 TO 10.26.16.PDF](#)

6. PUBLIC HEARINGS: NONE

7. BUSINESS ITEMS

- 7.I. Introduction Of Ordinance No. 959 Repealing, Reenacting, And Adding Various Chapters In Title 15 Of The Municipal Code, Adopting The 2016 California Building Standards Code And Setting A Public Hearing For Adoption Of The Ordinance
(Report from Brian Fenty, Building Official)

Documents:

[7.I INTRODUCTION OF ORDINANCE 2016 BUILDING CODE.PDF](#)

- 7.II. Introduction Of Ordinance No. 960 Repealing And Reenacting Chapter 15.02 Of The Municipal Code, Adopting The 2016 California Fire Code And Appendix A Of The International Wildland-Urban Interface Code With Local Amendments And Setting A Public Hearing For Adoption Of The Ordinance

(Report from Scott Shurtz, Interim Director of Emergency Services)

Documents:

[7.II INTRODUCTION OF ORDINANCE 2016 FIRE CODE.PDF](#)

- 7.III. Consideration And Possible Action To Approve A \$15,000 Reallocation Of Funds From The Pixley Lagoon Restoration Project To The Skate Park Improvement Project And Provide Direction To Staff Regarding A Possible Supplemental Appropriation For Skate Park Improvements
(Report from Mario Fiorentini, Director of Recreation and Leisure Services)

Documents:

[7.III FUNDING REALLOCATION FOR SKATE PARK PROJECT.PDF](#)

- 7.IV. Review Of Draft November 15, 2016 Town Council Agenda

Documents:

[7.IV 11.15.16 DRAFT AGENDA.PDF](#)

- 7.V. Approval Of Minutes Of October 18, 2016 Town Council Meeting

Documents:

[7.V 101816 DRAFT CORTE MADERA COUNCIL MINUTES.PDF](#)

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.

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@tcmmail.org.

TOWN OF CORTE MADERA
RATIFICATION AND APPROVAL OF
PAYROLL AND DEMANDS (ACCOUNTS PAYABLE)
PERIOD 10/14/16 – 10/26/16

Submitted herewith are the Payroll and Demands (Accounts Payable) paid during the period of 10/14/16 through and including 10/26/16 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 (10/01/16 – 10/31/16)			
Retiree Vested Rights Health Insurance Reimbursement			
Payroll Direct Deposit Numbers	30662 - 30704	\$	<u>26,831.49</u>
<u>Total Payroll</u>		\$	<u>26,831.49</u>

Payroll (10/10/16 – 10/23/16)			
Payroll Check Numbers	5329 - 5343	\$	26,877.57
Payroll Direct Deposit Numbers	30705 - 30776		180,754.23
Payroll Wire Transfer Numbers	2074 - 2078		<u>176,951.85</u>
<u>Total Payroll</u>		\$	<u>384,583.65</u>

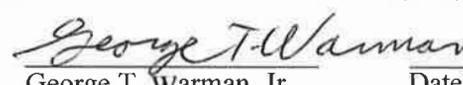
Payroll (Council-October)			
Payroll Check Numbers	5344 - 5344	\$	273.00
Payroll Direct Deposit Numbers	30777 - 30780		729.76
Payroll Wire Transfer Numbers	2079 - 2081		<u>328.73</u>
<u>Total Payroll</u>		\$	<u>1,331.49</u>

Warrant Check Numbers	214756 - 214861	\$	609,085.16
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 (00/00/00)		\$	<u>0.00</u>
<u>Total Demands(Accounts Payable)</u>			<u>609,085.16</u>

TOTAL PAYROLL AND DEMANDS **\$ 1,021,831.79**


 Todd A. Cusimano
 Town Manager

10/27/16
 Date


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

10/27/16
 Date

APPROVED AT MEETING OF 11/01/16

 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
214756	10/19/2016	ai560c AIRGAS	9939749596		CHEMICALS, GASES CHEMICALS, GASES	229.95
					Total :	229.95
214757	10/19/2016	al200c ALLSTAR FIRE EQUIPMENT, INC.	193165		FIRE HOSE REPLACEMENT FIRE HOSE REPLACEMENT HAND TOOLS & MINOR EQUIPMEN	964.65 309.38
					Total :	1,274.03
214758	10/19/2016	ar125c ARAMARK UNIFORM SERVICES'	09/30/2016STMT		BUILDING MAINTENANCE BUILDING MAINTENANCE BUILDING MAINTENANCE BUILDING MAINTENANCE MISC. SUPPLIES CLOTHING & UNIFORMS CLOTHING & UNIFORMS CLOTHING & UNIFORMS CLOTHING & UNIFORMS CLOTHING & UNIFORMS JANITOIRAL SUPPLIES	183.96 266.88 116.04 252.40 272.06 278.62 252.40 252.40 252.08
					Total :	2,126.84
214759	10/19/2016	at075c AT & T - CALNET 3	000008680514		UTILITIES - TELEPHONE	
			9391023426		UTILITIES - TELEPHONE UTILITIES - TELEPHONE	139.61 254.84 39.92 48.29 14.83 14.34 198.38
			9391023427		UTILITIES - TELEPHONE	51.92
			9391023428		UTILITIES - TELEPHONE UTILITIES - TELEPHONE	5.64

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214759	10/19/2016	at075c AT & T - CALNET 3	(Continued) 9391023429		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	9.07
					UTILITIES - TELEPHONE	6.99
			9391026356		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	10.27
					UTILITIES - TELEPHONE	8.34
			9391033626		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	10.27
					UTILITIES - TELEPHONE	8.34
			9391033627		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	10.27
					UTILITIES - TELEPHONE	8.34
			9391033628		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	25.56
					UTILITIES - TELEPHONE	24.62
			9391033629		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	24.07
					UTILITIES - TELEPHONE	95.05
					UTILITIES - TELEPHONE	46.09
					UTILITIES - TELEPHONE	0.03
					UTILITIES - TELEPHONE	119.75
			9391033630		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	139.70
					UTILITIES - TELEPHONE	-38.56
					UTILITIES - TELEPHONE	-37.29
			9391058177		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	9.58
					UTILITIES - TELEPHONE	0.77
					Total :	1,249.03
214760	10/19/2016	au104c AUTOMATED VALVE SVCS., INC.	1584		LUCKY GATE ACTUATORS-FG4	
					LUCKY GATE ACTUATORS-FG4	9,540.76
					Total :	9,540.76

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214761	10/19/2016	ba550c BAY AREA BARRICADE SERVICE,INC	0341145-IN		STREET & TRAFFIC SIGNS STREET & TRAFFIC SIGNS	519.39
					Total :	519.39
214762	10/19/2016	be054c BENTLEY, JOHN AND ANN	10/18/2016STMT		TOWN ENG. COST RECOVERY FINANCE DEPT. COST RECOVERY 204 MORNINGSIDE DR 204 MORNINGSIDE DR TOWN ENG. COST RECOVERY	-122.50 241.50 758.50 -129.00
					Total :	748.50
214763	10/19/2016	bo105c BOUND TREE MEDICAL, LLC	82290994		MEDICAL SUPPLIES MEDICAL SUPPLIES	129.87
					Total :	129.87
214764	10/19/2016	br150c BRANDON TIRE SUPPLY, INC.	1003416 1003627		TIRES - FOR E-13 TIRES - FOR E-13 TIRES TIRES	2,547.15 387.15
					Total :	2,934.30
214765	10/19/2016	co008c COASTLAND CIVIL ENG., INC.	39846 40143	1876	SAFE PATHWAYS - TAMALPAIS DR- SAFE PATHWAYS - TAMALPAIS DR- PARADISE/WESTWARD PED RAMP PARADISE/WESTWARD PED RAMP	2,034.80 7,457.25
					Total :	9,492.05
214766	10/19/2016	co165c COMCAST - 0208565, 0055313, FIRE DEF	10/06/16-11/05/16		FIRE STATION #13 "DSL" LINE FIRE STATION #13 "DSL" LINE	111.20
					Total :	111.20
214767	10/19/2016	co835c CORTE MADERA BEAUTIFICATION, % C.	05/16-09/16		DONATION OF COMMISSIONER ST DONATION OF COMMISSIONER ST	250.00
					Total :	250.00
214768	10/19/2016	cr066c CROPPER ACCOUNTANCY CORP.	1225		SECOND BILLING OF FNANCIAL ST	

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214768	10/19/2016	cr066c CROPPER ACCOUNTANCY CORP.	(Continued)		SECOND BILLING OF FNANCIAL ST FIRST BILLING OF MARIN SANITAR	4,000.00 1,500.00
					Total :	5,500.00
214769	10/19/2016	da025c D & K AUTO SERVICES	52168		MOTOR VEHICLE SERVICE ON 199	114.15
			52173		MOTOR VEHICLE SERVICE ON 199 AUTO TRAK II & BULB	59.97
			52177		MOTOR VEHICLE SERVICE ON 200	533.36
			52189		MOTOR VEHICLE SERVICE ON 200 MOTOR VEHICLE SERVICES ON 20	236.25
					Total :	943.73
214770	10/19/2016	su103c DANIEL MUTISO MUIITHYA	1541		JANITORIAL SVCS. JANITORIAL SVCS.	2,200.00
					Total :	2,200.00
214771	10/19/2016	ca765c DEPT. OF TRANSPORTATION	SL170130		CAL TRANS. TRAFFIC SIGNAL MAIN CAL TRANS. TRAFFIC SIGNAL MAIN	1,525.60
					Total :	1,525.60
214772	10/19/2016	di045c DIEGO TRUCK REPAIR, INC.	49859		MOTOR VEHICLE MAINT.	477.71
			50066		MOTOR VEHICLE MAINT. MOTOR VEHICLE MAINT.	382.74
					Total :	860.45
214773	10/19/2016	ed057c EDUCARE CHILDREN'S CENTER	10/17/2016STMT		FINANCE DEPT COST RECOVERY FINANCE DEPT COST RECOVERY	-60.70
					50 EL CAMINO DR	60.70
					50 EL CAMINO DR	1,178.10
					Total :	1,178.10
214774	10/19/2016	es105c ESRI INC.	93193643		GIS ANNUAL MAINTENANCE SUPP	

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214774	10/19/2016	es105c ESRI INC.	(Continued)		GIS ANNUAL MAINTENANCE SUPPL	1,581.00
					Total :	1,581.00
214775	10/19/2016	gl102c GLOBALSTAR USA	1000000007679237		UTILITIES - TELEPHONE	50.46
					UTILITIES - TELEPHONE	50.46
					Total :	50.46
214776	10/19/2016	gr027c GREEN VALLEY TRACTOR, INC.	01-1517		EQUIPMENT AND MACHINERY REP	700.00
					EQUIPMENT AND MACHINERY REP	603.11
					Total :	1,303.11
214777	10/19/2016	gr034c GRUENDL, CEO, STUART	10/17/2016STMT		1441 CASE BENA DRIVE	-174.66
					1441 CASE BENA DRIVE	174.66
					RECIEEABLE OVERHEAD	174.66
					1441 CASA BUENA DR	174.66
					Total :	174.66
214778	10/19/2016	ho195c HOME DEPOT CREDIT SERVICES, DEPT	09/21/2016STMT		AGGREGATES & BINDERS	341.43
					AGGREGATES & BINDERS	341.43
					Total :	341.43
214779	10/19/2016	ho175c HORIZON	1Q072620		IRRIGATION SUPPLIES	1,461.61
					IRRIGATION SUPPLIES	1,461.61
					Total :	1,461.61
214780	10/19/2016	ja028c JAKOSKY, JACK	10/18/2016STMT		PLANNING COST RECOVERY	-50.60
					PLANNING COST RECOVERY	-44.50
					FINANCE DEPT COST RECOVERY	95.10
					47-71 TAMAL VISTA	3,232.20
					47-41 TAMAL VISTA	3,232.20
					Total :	3,232.20
214781	10/19/2016	kb100c KBA DOCUSYS	INV479447		COPIER SERVICE	296.76
					COPIER SERVICE	296.76

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214781	10/19/2016	kb100c KBA DOCUSYS	(Continued)		COPIER SERVICE	296.77
					Total :	593.53
214782	10/19/2016	ln075c L.N. CURTIS & SONS	INV56362		CLOTHING, UNIFORMS	266.53
					Total :	266.53
214783	10/19/2016	la325c LARKS.-CORTE MADERA SCH'L DIST	INVOICE #13		SH 4 SOLAR JULY THRU SEPT 2016	3,476.63
					sh 4 SOLAR JULY THRU SEPT 2016	3,476.63
					Total :	3,476.63
214784	10/19/2016	li028c LIU, MR. PETER	10/17/2016STMT		FINANCE DEPT COST RECOVERY	-60.70
					FINANCE DEPT COST RECOVERY	60.70
					1502 REDWOOD HIGHWAY	365.88
					Total :	365.88
214785	10/19/2016	ma070c MAGGIORA & GHILOTTI, INC.	10639	1872	PARADISE WEST SEWER PROJEC	38,992.83
			10642	1872	PROJECT NO. 13-201~	55,588.49
					PARADISE WEST SEWER PROJEC	94,581.32
					PROJECT NO. 13-201~	
					Total :	94,581.32
214786	10/19/2016	ma952c MARIN COUNTRY DAY SCHOOL	10/13/2016STMT		DAMAGE DEPOSIT REFUND - 5221	1,500.00
					DAMAGE DEPOSIT REFUND - 5221	1,500.00
					Total :	1,500.00
214787	10/19/2016	ma208c MARIN INDEPENDENT JOURNAL	09/30/2016STMT		CLASSIFIED ADVERTISING - NOTIC	122.80
					CLASSIFIED ADVERTISING - NOTIC	366.00
					TOWN OF CORTE MADERA PUBLIC	488.80
					Total :	488.80
214788	10/19/2016	ma218c MARIN INDEPENDENT JOURNAL	08/08/2016-09/23/201		SUBSCRIPTION 26 WEEKS	59.70
					SUBSCRIPTION 26 WEEKS	59.70
					Total :	59.70

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214789	10/19/2016	ma550c MARIN MUNICIPAL WATER DISTRICT	10/11/2016STMT		WATER	
					WATER	182.70
					WATER	10,423.75
					WATER	230.75
					WATER	1,084.32
					Total :	11,921.52
214790	10/19/2016	mc180c MCCMC, MCCMC SECRETARY/TREASUI	10/06/2016STMT		MCCMC MEMBERSHIP ASSESSMEI	
					MCCMC MEMBERSHIP ASSESSMEI	950.00
					Total :	950.00
214791	10/19/2016	me068c METROPOLITAN PLANNING GROUP	2694		TAMAL VISTA EAST CORRIDOR STI	
			2695		TAMAL VISTA EAST CORRIDOR STI	5,620.91
					STAFFING FOR AIMCO	
					STAFFING FOR AIMCO	110.00
					Total :	5,730.91
214792	10/19/2016	me103c MEYLAN CONSTRUCTION	0816-13		CORTE MADERA TOWN HALL	
			0916-25		CORTE MADERA TOWN HALL	8,528.00
					CORTE MADERA TOWN HALL	
					CORTE MADERA TOWN HALL	34,321.00
					Total :	42,849.00
214793	10/19/2016	mo061c MORRIS POLICH & PURDY, LLC	224101		LEGAL SERVICES RENDERED	
			225467		LEGAL SERVICES RENDERED	4,688.94
					LEGAL SERVCIES RENDERED SER	
					LEGAL SERVCIES RENDERED SER	2,164.54
					Total :	6,853.48
214794	10/19/2016	ne100c NERVIANI PAVING, INC.	4908		SEMINOLE-PATCH & PIXLEY PARK	
					SEMINOLE-PATCH & PIXLEY PARK	3,750.00
					Total :	3,750.00
214795	10/19/2016	oh100c O'HEHIR, JOANNE	INVOICE NO. 19		PLANNING COMISSION MEETING C	
			INVOICE NO. 21		PLANNING COMISSION MEETING C	178.75
					52 SUMMIT DR	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214795	10/19/2016	oh100c O'HEHIR, JOANNE	(Continued)		52 SUMMIT DR	292.50
					11 MADRONO	211.25
					COMPLETING MINUTES	97.50
					Total :	780.00
214796	10/19/2016	on025c ONGARO & SONS, INC., ERNEST	170853		REPLACE 5 TON AC - TOWN HALL	
					REPLACE 5 TON AC - TOWN HALL	8,442.00
					Total :	8,442.00
214797	10/19/2016	pa031c PARISI TRANSPORTATION	16366		TAMALPAIS DRIVE-PEDESTRIAN CI	
			16407	1880	TAMALPAIS DRIVE-PEDESTRIAN CI	555.00
				1880	TAMALPAIS DRIVE-PEDESTRIAN CI	10,235.05
					Total :	10,790.05
214798	10/19/2016	pa032c PATEL, NISHA	R-18809		CERTIFIED MAILING	
					CERTIFIED MAILING	22.84
					Total :	22.84
214799	10/19/2016	pi115c PITNEY BOWES GLOBAL FIN SVCS L	3100694439		PITNEY BOWES LEASE	
					PITNEY BOWES LEASE	875.60
					Total :	875.60
214800	10/19/2016	re141c RENNE SLOAN HOLTZMAN SAKAI	32601		1421 CASA UENA DEVELOPMENT C	
			32602		1421 CASA UENA DEVELOPMENT C	487.50
			32603		CORTE MADERA INN	
			32604		CORTE MADERA INN	585.00
			32605		GENERAL PLANNING	
			32606		GENERAL PLANNING	6,150.00
					MARIN COUNTRY DAY SCHOOL	
					MARIN COUNTRY DAY SCHOOL	1,787.50
					NON-LITIGATION	
					NON-LITIGATION	7,850.00
					RESTORATION HARDWARE	
					RESTORATION HARDWARE	3,997.50

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214800	10/19/2016	re141c re141c RENNE SLOAN HOLTZMAN SAKAI	(Continued)			Total : 20,857.50
214801	10/19/2016	ri041c RICOH USA, INC. - CORP YARD, 89846-10	97648283		PHOTOCOPYING EQUIP. MAINT. PHOTOCOPYING EQUIP. MAINT.	205.33 Total : 205.33
214802	10/19/2016	rv105c ROSS VALLEY PARAMEDIC AUTHOR.	101-002646		QUARTERLY BOUNDRY DROP QUARTERLY BOUNDRY DROP	9,375.00 Total : 9,375.00
214803	10/19/2016	ro450c ROY'S SEWER SERVICE, INC.	194967		RECREATION CENTER - PUMPED C RECREATION CENTER - PUMPED C	275.00 Total : 275.00
214804	10/19/2016	sa100c SAFETY-KLEEN SYSTEMS, INC., TAX DE	71447409		HAZARDOUS WASTE DISPOSAL HAZARDOUS WASTE DISPOSAL	415.13 Total : 415.13
214805	10/19/2016	sc129c SCADDEN, LYNN	R-34136		BALANCE OF US CLUB REGISTRAT BALANCE OF US CLUB REGISTRAT	1,459.00 Total : 1,459.00
214806	10/19/2016	se080c SEQUOIA SAFETY SUPPLY COMPANY	31225		OUTDOOR ALL PURPOSE ABSORB OUTDOOR ALL PURPOSE ABSORB	366.46 Total : 366.46
214807	10/19/2016	si107c SIMMONDS, MICHAEL	10/17/2016STMT		FINANCE DEPT COST RECOVERY FINANCE DEPT COST RECOVERY 533 REDWOOD AVE 533 REDWOOD AVE	-60.70 60.70 1,739.90 Total : 1,739.90
214808	10/19/2016	so129c SOFTFILE	55377		DOCUMENT MANAGMENT PROJEC DOCUMENT MANAGMENT PROJEC	1,366.45 Total : 1,366.45
214809	10/19/2016	st037c STANGER, JONATHAN	10/17/2016STMT			

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
214809	10/19/2016	st037c STANGER, JONATHAN	(Continued)			-60.70	
					STANGS HOT DOG	60.70	
					STANGS HOT DOG	1,200.60	
					Total :	1,200.60	
214810	10/19/2016	ti050c TIBURON, TOWN OF	R-29115		MCCMC DINNER		
					MCCMC DINNER	165.00	
					MCCMC DINNER	55.00	
					Total :	220.00	
214811	10/19/2016	ve125c VERIZON WIRELESS 670722771-2	9773129541		UTILITIES - TELEPHONE		
					UTILITIES - TELEPHONE	283.37	
					Total :	283.37	
214812	10/19/2016	ve023c VERIZON WIRELESS-6707227710001	9773129540		TELEPHONE - CORP. YARD		
					TELEPHONE - CORP. YARD	692.07	
					TELEPHONE - CORP. YARD	63.22	
					Total :	755.29	
214813	10/19/2016	ye102c YEE, LOUIS	1001		CONTRACT INSTRUCTOR		
					CONTRACT INSTRUCTOR	90.15	
					Total :	90.15	
58 Vouchers for bank code : bom						Bank total :	281,865.24
58 Vouchers in this report						Total vouchers :	281,865.24

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214814	10/25/2016	cl106c CLICKTIME.COM	206072		TIME TRACKING SOFTWARE CLICK TIME TRACKING SYSTEM	216.00
					Total :	216.00
214815	10/26/2016	at095c A T & T U-VERSE, #117724553	09/10/16-10/09/16		ON LINE STORAGE TO TCPA ON LINE STORAGE TO TCPA	85.00
					Total :	85.00
214816	10/26/2016	af020c AFLAC, REMITTANCE PROCESSING	529769		INTOSCHI INTOSCHI KRAMER RAVINA SANTOS ROSE MEJIA QUADROS RUSSELL GABBARD DOWNING PALMER, M SCHROTH FISCHER MCGOVERN	68.04 21.98 21.96 29.72 29.74 29.72 29.72 21.96 29.82 39.96 119.82 39.96 174.74 22.44
					Total :	679.58
214817	10/26/2016	am025c AMENT ELECTRIC, INC., 2820 OLD GRA 1174			RELOCATION EXPENSE TOWN HAL RELOCATION EXPENSE TOWN HAL	5,584.00
					Total :	5,584.00
214818	10/26/2016	ba600c B & G GLASS	7803		FIRE STATION/WEST ELEVATION - FIRE STATION/WEST ELEVATION -	7,857.93
					Total :	7,857.93
214819	10/26/2016	ba550c BAY AREA BARRICADE SERVICE,INC	0341138-IN		SOLAR FLASHER	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214819	10/26/2016	ba550c BAY AREA BARRICADE SERVICE,INC	(Continued)		SOLAR FLASHER	1,124.13
					Total :	1,124.13
214820	10/26/2016	bi084c BIANCO, GIULIO	FOLIO #239994		TRANSIENT OCCUPANCY TAX	
					TRANSIENT OCCUPANCY TAX	77.52
					TRANSIENT OCCUPANCY TAX	77.52
					TRANSIENT OCCUPANCY TAX	309.96
					Total :	465.00
214821	10/26/2016	bo105c BOUND TREE MEDICAL, LLC	82295068		MEDICAL SUPPLIES	
			82297763		MEDICAL SUPPLIES	2,293.10
					MEDICAL SUPPLIES	
					MEDICAL SUPPLIES	599.55
					Total :	2,892.65
214822	10/26/2016	br150c BRANDON TIRE SUPPLY, INC.	1003695		TIRES FOR M14	
					TIRES FOR M14	442.23
					Total :	442.23
214823	10/26/2016	ca210c CAPFF, CALF. ASSN. OF PROF. F.F.	10/24/2016STMT		PREMIUM - NOVEMBER - 16	
					PREMIUM - NOVEMBER - 16	19.08
					Total :	19.08
214824	10/26/2016	ci115c CIT - CUSTOMER #2000304630	29316142		PHOTOCOPY EQUIPMENT MAINT.	
					PHOTOCOPY EQUIPMENT MAINT.	301.46
					PHOTOCOPY EQUIPMENT MAINT.	301.46
					PHOTOCOPY EQUIPMENT MAINT.	150.10
					PHOTOCOPY EQUIPMENT MAINT.	433.29
					PHOTOCOPY EQUIPMENT MAINT.	622.08
					Total :	1,808.39
214825	10/26/2016	co195c CORPORATE PAYMENT SYSTEMS	10/14/2016STMT		MEETINGS	
					RECREATION SUPPLIES	340.00
					FLOOR LINER	883.89
					BUILDING MAINT.	5.18

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214825	10/26/2016	co195c	CORPORATE PAYMENT SYSTEMS	(Continued)		
					PEST CONTROL	33.99
					GATES PUMPS & REPAIRS	323.15
					MISC. SUPPLIES	781.28
					SENIOR PROGRAMS	445.57
					RECREATION SUPPLIES	211.73
					RECREATION SUPPLIES	153.72
					MISC. PROF. SPECIALIZED SRV.	22.00
					MISC. SUPPLIES	130.67
					BOOKS & BOUND PERIODICALS	251.46
					MEETING	19.60
					FIRST AID KIT	102.77
					MEETING	130.76
					MEETING	153.91
					OFFICE SUPPLIES	52.20
					PUBLICITY & MARKETING	599.68
					PUBLICITY & MARKETING	-118.37
					WESTIN R7 RUNNING BOARD	883.88
					FOODS	469.58
					MISC. SUPPLIES	82.34
					MOTOR VEHICLE REPLACE PARTS	18.05
					SENIOR PROGRAMS	122.20
					RECREATION SUPPLIES	-650.00
					OFFICE SUPPLIES	20.40
					MEETING	52.51
					MARKETING	100.00
					MISC. SUPPLIES	37.95
					MISC. SUPPLIES	246.31
					VEHICLE MAINT.	89.75
					BUILDING MAINT.	-79.18
					MISC. SUPPLIES	265.86
					MOTOR VEHICLE REPLACEMENT F	427.00
					STORAGE CONTAINER	3,052.00
					HAND TOOLS & MINOR EQUIPMEN	152.60

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214825	10/26/2016	co195c	CORPORATE PAYMENT SYSTEMS	(Continued)		
					MEETING	47.07
					MISC. SUPPLIES	148.54
					BUILDING MAINT.	476.50
					EQUIP, MACH, REPL, PARTS	296.35
					MISC. SUPPLIES	88.39
					MARKETING	454.98
					RECREATION SUPPLIES	103.71
					EDUCATION & TRAINING SERVICE	1,040.28
					VEHICLE MAINT.	350.00
					AUTO PARTS	43.40
					MISC. SUPPLIES	94.60
					MEDICAL SUPPLIES	98.94
					MEDICAL SUPPLIES	-109.60
					MISC. SUPPLIES	233.10
					TOOLS & MINOR EQUIP.	353.14
					BUILDING MAINT.	1,813.44
					BULDING MAINT.	-136.48
					MEETING	117.00
					MEETING	36.00
					SERVICES	49.00
					RECREATION SUPPLIES	825.60
					RECREATION SUPPLIES	-192.23
					RRECAATION SUPPLIES	754.27
					MISC. PROF. SPECIALIZED SERVIC	40.00
					MISC. SUPPLIES	72.93
					MEETINGS	135.16
					OFFICE SUPPLIES	4.35
					MISC. SUPPLIES	277.99
					FUEL-GASOLINE	55.00
					DISASTER SUPPLIES	266.12
					OFFICE SUPPLIES	37.31
					REPLACEMENT NON-OFFICE FURN	2,070.06
					MISC. SUPPLIES	239.58

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214825	10/26/2016	co195c CORPORATE PAYMENT SYSTEMS	(Continued)		MEETINGS	287.12
					PUBLICITY & MARKETING	49.99
					UTILITIES-TELEPHONE	376.45
					MISC. PROF. SPECIALIZED	869.82
					Total :	21,582.32
214826	10/26/2016	pe176c CORTE MADERA-PERS HEALTH BENEF	NOVEMBER 2016		PERS HEALTH BENEFITS	
					PRETE	-133.53
					QUADORS	-133.53
					CUSIMANO	-1,940.82
					FENTY	-1,492.94
					FLATTER	2,067.72
					SERVICIE CHARGE	347.81
					RETIRED	5,750.00
					LAPPERT, MICHAEL	746.47
					Total :	5,211.18
214827	10/26/2016	co018c COUNTY OF NAPA	R-35160		TRAINIING & EDUCATION SERVICE	
					TRAINIING & EDUCATION SERVICE	180.00
					Total :	180.00
214828	10/26/2016	da025c D & K AUTO SERVICES	52207		OIL FITER & OIL	
			52223		OIL FITER & OIL	84.39
					1998 CASE BACKHOE SERVICE -	
					1998 CASE BACKHOE SERVICE -	1,330.82
					Total :	1,415.21
214829	10/26/2016	dc115c DC ELECTRIC GROUP, INC.	26716		M5005-SL ROUTINE	
			26731		M5005-SL ROUTINE	1,115.92
			26735		M5006-SL REPOSE	
			26736		M5006-SL REPOSE	87.92
					M1005-TS ROUTINE	
					M1005-TS ROUTINE	2,010.88
					M1006-TS RESPONSE	
					M1006-TS RESPONSE	270.27

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214829	10/26/2016	dc115c DC ELECTRIC GROUP, INC.	(Continued)		M1006-TS RESPONSE	564.70
					Total :	4,049.69
214830	10/26/2016	de105c DE FRANCIS, TONI	10/17/2016STMT		MINUTES CLERK	280.00
					MINUTES CLERK	280.00
					Total :	280.00
214831	10/26/2016	de305c DELTA DENTAL OF CALIFORNIA	NOVEMBER 2016-PREM		RETIRED HEALTH BENEFITS	
					RETIRED HEALTH BENEFITS	1,626.33
					CUSIMANO, TODD	-111.03
					FLATTER & FENTY	222.06
					Total :	1,737.36
214832	10/26/2016	do056c DONNOE & ASSOCIATES, INC.	3220		2016 SKILLED FIRE FIGHTER & PAF	
					2016 SKILLED FIRE FIGHTER & PAF	572.00
					Total :	572.00
214833	10/26/2016	fe072c FENTY, BRIAN	R-27503		EDUCATION & TRAINING	
					EDUCATION & TRAINING	1,258.96
					Total :	1,258.96
214834	10/26/2016	fo049c FOSTER CITY, CITY OF	10529		CALOPPS ONE JOB POSTING -	
					CALOPPS ONE JOB POSTING -	150.00
					Total :	150.00
214835	10/26/2016	ga107c GABBARD, NICHOLAS - FLEX	10/20/2016STMT		FLEX 125	
					FLEX 125	110.80
					Total :	110.80
214836	10/26/2016	go410c GOLDEN STATE CHEMICAL & SUPPLY	888969		LINERS	
			888970		LINERS	1,599.11
			888977		DOG LINERS	
					DOG LINERS	1,498.68
			888992		LINER ROLLS	
					LINER ROLLS	190.23
					CLOROX BLEACH/COBWEB BRUSH	

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214836	10/26/2016	go410c GOLDEN STATE CHEMICAL & SUPPLY	(Continued)		CLOROX BLEACH/COBWEB BRUSH	213.78
					Total :	3,501.80
214837	10/26/2016	go155c GOLDEN STATE LUMBER, INC.	1855350		EXTERIOR PLAYWOOD/DOUG FIR	442.69
			1857346		POLY BLAC - TORX TAN SCREWS	267.82
					Total :	710.51
214838	10/26/2016	jo124c JOHNSON, ROBERT B.	6632		MARIN VILLAGE PUMP STATION	337.30
					Total :	337.30
214839	10/26/2016	ma045c MARIN COUNTY MCSTOPPP	09/20/2016STMT		MCSTOPPP FOR FISCAL YEAR 201	26,304.21
					Total :	26,304.21
214840	10/26/2016	ma026c MARIN HUMANE SOCIETY	10/25/2016STMT		CONTRACT INSTRUCTOR	4,594.05
					Total :	4,594.05
214841	10/26/2016	mi040c MILLER PACIFIC ENGINEERING GRP	16432	1874	PARADISE WEST SEWER PROJECT	14,497.90
			16547	1874	CONSTRUCTION OBSERVATION, G	3,934.60
					Total :	18,432.50
214842	10/26/2016	ne040c NELSON PERSONNEL SERVICES	6142756		PART TIME HELP - LISA HARPER	1,193.94
					Total :	1,196.64
214843	10/26/2016	ne100c NERVIANI PAVING, INC.	4921		PARADISE DR - ASPHALT PATCH 3	2,400.00
					Total :	2,400.00

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214844	10/26/2016	of026c OFFICE DEPOT - TOWN HALL	873365160001		OFFICE SUPPLIES	
					OFFICE SUPPLIES	12.31
					MEETINGS	4.28
					MEETINGS	4.28
					MEETINGS	4.28
					MEETINGS	4.28
					MEETINGS	4.29
					Total :	33.72
214845	10/26/2016	oh100c O'HEHIR, JOANNE	INVOICE NO. 22		PLANNING COMMISSION MEETING	
					PLANNING COMMISSION MEETING	644.15
					Total :	644.15
214846	10/26/2016	pa060c PAC MACHINE CO., INC.	66868		FLYGT - FLOAT CONTROL PANEL.	
					FLYGT - FLOAT CONTROL PANEL.	2,132.47
					Total :	2,132.47
214847	10/26/2016	pa031c PARISI TRANSPORTATION	16457		TAMALPAIS DRIVE-PEDESTRIAN CI	
				1880	TAMALPAIS DRIVE-PEDESTRIAN CI	2,510.80
					Total :	2,510.80
214848	10/26/2016	pe326c PETTY CASH - PUBLIC WORKS	R-33981		BRIDGE TOLLS	
					BRIDGE TOLLS	90.00
					PICTURE FRAME GLASS	13.11
					Total :	103.11
214849	10/26/2016	ph115c PHILLIPS, MATTHEW-FLEX BENEFITS	10/20/2016STMT		FLEX 125	
					FLEX 125	384.60
					Total :	384.60
214850	10/26/2016	po145c POLSKY PERLSTEIN ARCHITECTS	12848		PROFESSIONAL SERVICES	
					PROFESSIONAL SERVICES	253.75
					Total :	253.75
214851	10/26/2016	pr201c PRETE, KENNETH - FLEX BENEFITS	10/20/2016STMT		FLEX BENEFITS	
					FLEX BENEFITS	93.80

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214851	10/26/2016	pr201c pr201c PRETE, KENNETH - FLEX BENEFITS (Continued)				Total : 93.80
214852	10/26/2016	sa137c SAN RAFAEL, CITY OF	08/11/2016STMT		FY 2016-17 MARIN COMMUNITY HC FY 2016-17 MARIN COMMUNITY HC	12,657.00 Total : 12,657.00
214853	10/26/2016	se080c SEQUOIA SAFETY SUPPLY COMPANY	31258		COLDFORM TRUCK UNIVERSAL M/ COLDFORM TRUCK UNIVERSAL M/ COLDFORM TRUCK UNIVERSAL M/ COLDFORM TRUCK UNIVERSAL M/	627.31 100.00 100.00 Total : 827.31
214854	10/26/2016	sh100c SHAMROCK MATERIALS, INC. 11735	924997		DELTA FILL SAND DELTA FILL SAND DISCOUNT TAKEN	223.31 -4.09 Total : 219.22
214855	10/26/2016	sp109c SPARK	OCTOBER 2016		SLOAN BAILEY - DONATION OF MO SLOAN BAILEY - DONATION OF MO	350.00 Total : 350.00
214856	10/26/2016	st132c STAPLES BUSINESS ADVANTAGE	8041275360 80412753601 80412753602 80412753603 8041369493		OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES	128.47 13.07 21.01 24.19 138.29 144.61 109.37 623.75 Total : 1,202.76

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214857	10/26/2016	te104c TEAM GHILOTTI, INC.	817202		MARIN COVE/MARINA VILLAGE ST MARIN COVE/MARINA VILLAGE ST	189,643.55
Total :						189,643.55
214858	10/26/2016	va036c VAUGHN, REBECCA - FLEX BENEFITS	10/20/2016STMT		FLEX 125 FLEX 125	290.80
Total :						290.80
214859	10/26/2016	vi100c VSP (CA) #00 114728 0001 MAPE, ATTN: / NOVEMBER 2016 - PREM			PREMIUM MEJIA, GUILLERMO RAVINA, JAMES SANTOS, VERNON VELAZQUEZ, ODILON DOWNING, GARY PAYES, EDWIN MITCHELL, MATTHEW	17.01 17.01 17.01 17.01 17.01 17.01 17.01
Total :						119.07
214860	10/26/2016	vi099c VSP (CA) ACCT: 12 220077 0001, ATTN: A NOVEMBER 2016			RETIRED VISION INSURANCE RETIRED VISION INSURANCE ADJUSTMENT	211.60 1.49
Total :						213.09
214861	10/26/2016	wo153c WOLFF, ADAM - FLEX BENEFITS	10/20/2016STMT		FLEX 125 FLEX 125	342.20
Total :						342.20
48 Vouchers for bank code : bom						Bank total : 327,219.92
48 Vouchers in this report						Total vouchers : 327,219.92

This material has been reviewed
by the Town Manager

CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: October 27, 2016
Meeting Date: November 1, 2016

TO: TOWN MANAGER, MAYOR AND TOWN COUNCIL
FROM: BRIAN FENTY, BUILDING OFFICIAL

SUBJECT: INTRODUCTION OF ORDINANCE NO. 959 ADOPTING THE FOLLOWING CONSTRUCTION CODES: PARTS 2, 2.5, 3, 4, 5, 6, 8, 10, 11, AND 12 OF THE CALIFORNIA BUILDING STANDARDS CODE, KNOWN AS TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, INCORPORATING THE 2016 CALIFORNIA BUILDING CODE, THE 2016 CALIFORNIA RESIDENTIAL CODE, THE 2016 CALIFORNIA ELECTRICAL CODE, THE 2016 CALIFORNIA MECHANICAL CODE, THE 2016 CALIFORNIA PLUMBING CODE, THE 2016 CALIFORNIA ENERGY CODE, THE 2016 CALIFORNIA HISTORICAL BUILDING CODE, THE 2016 CALIFORNIA EXISTING BUILDING CODE, THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 CALIFORNIA REFERENCED STANDARDS CODE, ADOPTING BY REFERENCE THE 2006 INTERNATIONAL CODE COUNCIL ELECTRICAL CODE ADMINISTRATIVE PROVISIONS, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL

RECOMMENDATIONS:

Introduce Ordinance No. 959 by title only, and waive further reading of ordinance adopting the following construction codes: Parts 2, 2.5, 3, 4, 5, 6, 8, 10, 11, and 12 of the California Building Standards Code, known as Title 24 of the California Code of Regulations, incorporating the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Electrical Code, the 2016 California Mechanical Code, the 2016 California Plumbing Code, the 2016 California Energy Code, the 2016 California Historical Building Code, the 2016 California Existing Building Code, the 2016 California Green Building Standards Code, the 2016 California Referenced Standards Code, and the 2006 International Code Council Electrical Code Administrative Provisions.

Set a public hearing on the adoption by reference of the California Building Standards Code as is being proposed for the next regular meeting of the Town Council on November 15, 2016. Pursuant to Government Code Section 50022.2, a public hearing on an ordinance adopting any other code, such as the California Building Standards Code, by reference, is to be set after the first reading of the ordinance. Accordingly, unlike the procedure followed by the Town for other ordinances, staff has placed the introduction of the ordinance on the “Business Items” portion of this agenda and is requesting the Town Council schedule a public hearing for the November 15 meeting at which the ordinance would be considered for adoption.

OPTIONS:

The Town Council may choose to introduce the ordinance as proposed; reject the proposed ordinance; instruct staff to revise the proposed ordinance and return to the Council for introduction of the revised ordinance; or direct staff to provide more information regarding the proposed ordinance; however, notwithstanding the action that is chosen by the Town Council, application and enforcement of the subject construction standards are still mandated by California law. If the Town Council chooses to introduce the ordinance, then it must set a public hearing for the adoption by reference of the California Building Standards Code as provided by the proposed ordinance for its next regular meeting on November 15, in order for the ordinance to take effect by the first business day in January 2017.

TOWN MANAGER’S RECOMMENDATION:

Approval of staff recommendation

FISCAL IMPACTS:

Fiscal impacts are expected to be minimal given that State model construction codes undergo a deliberative, consensus-based industry evaluation process that allows for gradual implementation of new regulatory methods based on innovations in technology, safety systems, and construction methods. A minimal increase is expected to the construction costs for commercial tenant improvements due to certain new provisions contained in the California Green Building Standards Code regarding electric vehicle charging stations.

GENERAL PLAN:

Adoption of the subject construction codes supports the policy directives outlined in several sections and policies of the General Plan including sections 3.7 (Energy), 8.7 and 8.8 (Geological Hazards and Seismic Safety) and Policies CD-1.3, RCS-2.1, 2.3 and 2.6 (Building and Design Energy Conservation).

ENVIRONMENTAL IMPACT:

The adoption of this ordinance is exempt from CEQA pursuant to Title 14, Chapter 3 California Code of Regulations, Section 15061(b)(3) in that it can be

seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment.

BACKGROUND:

Pursuant to provisions of the Health and Safety Code and the administrative mandate of the California Building Standards Commission, California cities and counties are required to enforce minimum construction standards contained in the State Housing Law and in the California Building Standards Code. The most recent updates to the California Building Standards Code become effective on January 1, 2017 and are identified in the “subject” area of this staff report and in the following paragraph.

As noted above, application and enforcement of the updated codes is mandated by California law regardless of ordinance adoption by a local agency. However, adopting the ordinance endorses this mandate and allows for local amendments to the codes.

Town staff is recommending adoption of the 2016 California Building Code, 2016 California Residential Code, 2016 California Electrical Code, 2016 California Mechanical Code, 2016 California Plumbing Code, 2016 California Energy Code, 2016 California Historic Building Code, 2016 California Existing Building Code, 2016 California Green Building Standards Code, and the 2016 California Referenced Standards Code (Parts 2, 2.5, 3, 4, 5, 6, 8, 10, 11, and 12 of the 2016 California Building Standards Code) without amendments to any of the technical provisions contained within the codes. However, staff is recommending amendment to certain administrative provisions as discussed below.

Included with our adoption recommendation and new to Corte Madera for this code cycle are the 2016 California Historic Building Code and the 2016 California Reference Standards Code.

The intent of the Historic Building Code is to facilitate the preservation and continuing use of qualified historical buildings or properties while providing reasonable safety for the building occupants and access for persons with disabilities. For the purpose of this code a qualified historical building or structure is any structure or collection of structures, and their associated sites deemed of importance to the history, architecture or culture of an area by an appropriate local or state government jurisdiction.

The Reference Standards Code is intended to supplement various sections of the other model codes and includes standards for the fabrication and construction of building elements such as; materials and construction methods for exterior wildfire exposure, stages and platforms, and, releasing systems for security bars in dwelling units.

Staff is also recommending adoption of the 2006 International Code Council Electrical Code Administrative Provisions as a supplement to the 2016 California Electrical Code because the 2016 California Electrical Code does not contain administrative regulatory provisions that are consistent and compatible with the other California codes.

There has been some discussion by staff as to which level of the Green Building Code we should recommend for adoption. The Green Building Code contains mandatory measures for construction, as well as voluntary measures at Tier 1 and Tier 2 performance levels. The mandatory measures are compulsory with the adoption of the California Standards Building Code. We are in the process of evaluating whether to adopt Tier 1 performance levels and have been in discussions with other Marin County municipalities about the possibility of creating consistent green building code standards throughout the County. At this time, however, we are recommending to adopt the Green Building Code mandatory measures only. We plan on returning to Council for future discussion and direction.

Administrative provisions have been amended in all of the codes that are proposed for adoption in order to allow for proper administration of future appeal or abatement actions. Under the amended provisions of the proposed adoption ordinance, appeals of the building department's determinations under the California Building Standards Code would be administered by the Town Council, and abatement of dangerous and substandard building conditions would be administered pursuant to the nuisance regulations contained in the Corte Madera Municipal Code.

With the adoption of the 2016 California Building Standards Codes it was necessary to renumber some of our existing Municipal Code sections. The primary reason for the renumbering was to rearrange the municipal code sections to be more consistent with the state building code format and the inclusion of the Historic Code and Reference Standards. The table in Attachment 1 provides a comparison of the old municipal code sections and the proposed code section numbering for the specific building standard code modules adopted.

Permit fees, plan review fees and other administrative fees that are imposed by this ordinance shall continue to be set by fee schedules adopted by resolution by the Town Council. At this time, staff is not proposing any changes to the fee schedules that are currently in place.

ATTACHMENTS:

- 1: Muni Code Comparison
- 2: Ordinance No. 959

ATTACHMENT 1:

Municipal Code Comparison

2016 California Building Standards Code Adoption Comparison of Municipal Code Numbering Changes

Proposed Ordinance Report Section #	Old		New	
	2013 Muni Code Section	Code Item	2016 Muni Code Section	Code Item
1	15.01	Building	15.01	Building
unchanged	15.02	Fire	15.02	Fire
2	15.03	Electrical	15.03	Residential
unchanged	15.04	WUI	15.04	WUI
3	15.05	Mechanical	15.05	Electrical
4	15.06	Residential	15.06	Mechanical
5	15.07	Plumbing	15.07	Plumbing
6	15.08	Green Bldg	15.08	Energy
7	15.09	Energy	15.09	Historic Bldg's
8	15.11	Exist Bldg's	15.11	Exist Bldg's
9	15.13	Elect Admin	15.13	Green Bldg
10	15.15	Severability	15.15	Ref. Stds.
11	none		15.17	Elect Admin
12	none		15.19	Severability

ATTACHMENT 2:

Ordinance No. 959

ORDINANCE NO. 959

AN ORDINANCE OF THE TOWN OF CORTE MADERA, REPEALING AND RE-ENACTING CHAPTERS 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, AND 15.15, AND ADDING CHAPTERS 15.17, AND 15.19 TO TITLE 15; ADOPTING BY REFERENCE PARTS 2, 2.5, 3, 4, 5, 6, 8, 10, 11, AND 12 OF THE CALIFORNIA BUILDING STANDARDS CODE, KNOWN AS TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, INCORPORATING: THE 2016 CALIFORNIA BUILDING CODE; THE 2016 CALIFORNIA RESIDENTIAL CODE; THE 2016 CALIFORNIA ELECTRICAL CODE; THE 2016 CALIFORNIA MECHANICAL CODE; THE 2016 CALIFORNIA PLUMBING CODE; THE 2016 CALIFORNIA ENERGY CODE; THE 2016 CALIFORNIA HISTORIC BUILDING CODE; THE 2016 CALIFORNIA EXISTING BUILDING CODE; AND THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 CALIFORNIA REFERENCED STANDARDS CODE, ADOPTING BY REFERENCE THE INTERNATIONAL CODE COUNCIL ELECTRICAL CODE ADMINISTRATIVE PROVISIONS, 2006 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

The Town Council of the Town of Corte Madera does ordain as follows:

Section 1. Chapter 15.01 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.01

BUILDING CODE

Sections:

<u>15.01.010</u>	<u>Adoption by Reference.</u>
<u>15.01.020</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.3</u>
<u>15.01.030</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.4</u>
<u>15.01.040</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.5</u>
<u>15.01.050</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.6</u>
<u>15.01.060</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.7</u>
<u>15.01.070</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.8</u>
<u>15.01.080</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.9</u>
<u>15.01.081</u>	<u>Amendment - Chapter 1, Division I, Section 1.9.1.5</u>
<u>15.01.082</u>	<u>Deletion – Chapter 1, Division II, Section 104.10.1</u>
<u>15.01.090</u>	<u>Amendment – Chapter 1, Division II, Section 109.3</u>
<u>15.01.100</u>	<u>Amendment – Chapter 1, Division II, Section 113.1</u>
<u>15.01.110</u>	<u>Amendment – Chapter 1, Division II, Section 113.2</u>
<u>15.01.120</u>	<u>Amendment – Chapter 1, Division II, Section 113.3</u>

<u>15.01.125</u>	<u>Amendment – Chapter 1, Division II, Section 116.2</u>
<u>15.01.130</u>	<u>Amendment – Chapter 1, Division II, Section 116.3</u>
<u>15.01.140</u>	<u>Amendment – Chapter 1, Division II, Section 116.6</u>
<u>15.01.150</u>	<u>Addition – Chapter 1, Division II, Section 116.7</u>
<u>15.01.160</u>	<u>Violation – Penalty</u>
<u>15.01.170</u>	<u>No Mandatory Duty</u>

15.01.010 - Adoption by reference.

The 2016 California Building Code, known as Part 2, Title 24 of the California Code of Regulations, excluding all but the following appendices: Appendices F, H, and I, is hereby adopted by reference as though fully set forth in this chapter except as modified by the following subsections of this section and the following sections of this chapter:

A. Building Code Chapter 1, Division I shall apply to State-regulated buildings, structures and applications set forth by Section 1.1.3.2 of Chapter 1, Division I.

B. Building Code Chapter 1, Division II shall apply to State-regulated buildings, structures and applications in accordance with the Matrix Adoption Table in Chapter 1 of the California Building Code (except as may be modified by subsection C.)

C. Notwithstanding the exception stated by Section 101.2, Building Code Chapter 1, Division II shall apply to all Nonstate-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures. Where there is a conflict or inconsistency between the provisions of Division I and Division II, the provisions of Division II shall apply.

D. Any of the following sections in this chapter which modify, amend, or replace any of the provisions of Chapter 1, Division I or Chapter 1, Division II shall be applicable to all State-regulated and Nonstate-regulated buildings and structures, including detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.

15.01.020 - Addition – Chapter 1, Division I, Section 1.8.9.3

Section 1.8.9.3, Conditions, is added as follows:

1.8.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of Chapter 15.01 of the Corte Madera Municipal Code. A vacant structure that is not secured against entry is deemed unsafe.

15.01.030 - Addition – Chapter 1, Division I, Section 1.8.9.4

Section 1.8.9.4, Record, is added as follows:

1.8.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.01.040 - Addition – Chapter 1, Division I, Section 1.8.9.5

Section 1.8.9.5, Notice and Order, is added as follows:

1.8.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.01.050 - Addition – Chapter 1, Division I, Section 1.8.9.6

Section 1.8.9.6, Method of Service, is added as follows:

1.8.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner’s agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.01.060 - Addition – Chapter 1, Division I, Section 1.8.9.7

Section 1.8.9.7, Restoration, is added as follows:

1.8.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.01.070 - Addition – Chapter 1, Division I, Section 1.8.9.8

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.01 of the Corte Madera Municipal Code.

15.01.080 - Addition – Chapter 1, Division I, Section 1.8.9.9

Section 1.8.9.9, Staying of Order, is added as follows:

1.8.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 1.8.9.6.

15.01.081- Amendment- Chapter 1, Division I, Section 1.9.1.5

The following is added at the end of Section 1.9.1.5:

The Town may retain the services of a Certified Access Specialist (CASP) to consult with the Town in reviewing, analyzing, evaluating, and providing the Town recommendations on the request being made by the applicant. The services provided to the Town shall be at the sole expense of the applicant and shall be fully reimbursed to the Town through a cost recovery agreement or by applying the building department fee schedule adopted by the Town Council.

15.01.082 – Deletion – Chapter 1, Division II, Section 104.10.1

Section 104.10.1, Flood Hazard Areas, is deleted in its entirety.

15.01.090 - Amendment – Chapter 1, Division II, Section 109.3

Section 109.3, Building Permit Valuations, is amended to read as follows:

109.3 Building Permit Valuations. The applicant for a permit shall provide an estimated valuation of proposed work at time of application. Permit valuation shall include total value of work, including materials and labor, for all elements of regulated construction.

15.01.100 - Amendment – Chapter 1, Division II, Section 113.1

Section 113.1, General, is deleted and replaced to read as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.

15.01.110 - Amendment – Chapter 1, Division II, Section 113.2

Section 113.2, Limitations on Authority, is deleted and replaced to read as follows:

113.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the Town of Corte Madera.

15.01.120 - Amendment – Chapter 1, Division II, Section 113.3

Section 113.3, Qualifications, is deleted and replaced to read as follows:

113.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.01 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

15.01.125 - Amendment – Chapter 1, Division II, Section 116.2

Section 116.2, Record, is deleted and replaced to read as follows:

116.2 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.01.130 - Amendment – Chapter 1, Division II, Section 116.3

Section 116.3, Notice, is deleted and replaced to read as follows:

116.3 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.01.140 - Amendment – Chapter 1, Division II, Section 116.5

Section 116.5, Restoration, is deleted and replaced to read as follows:

116.5 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.01.145 - Addition – Chapter 1, Division II, Section 116.6

Section 116.6, Nuisance Proceedings, is added as follows:

116.6 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of

Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.01 of the Corte Madera Municipal Code.

15.01.150 - Addition – Chapter 1, Division II, Section 116.7

Section 116.7, Staying of Order, is added as follows:

116.7 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 116.3.

15.01.160 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.01.170 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 2. Chapter 15.03 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.03

RESIDENTIAL CODE

Sections:

<u>15.03.010</u>	<u>Adoption by Reference.</u>
<u>15.03.020</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.3</u>
<u>15.03.030</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.4</u>
<u>15.03.040</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.5</u>
<u>15.03.050</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.6</u>
<u>15.03.060</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.7</u>
<u>15.03.070</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.8</u>
<u>15.03.080</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.9</u>
<u>15.03.090</u>	<u>Deletion – Chapter 1, Division II, Section R104.10.1</u>

<u>15.03.100</u>	<u>Deletion – Chapter 1, Division II, Section R105.3.1.1</u>
<u>15.03.110</u>	<u>Amendment – Chapter 1, Division II, Section R108.3</u>
<u>15.03.120</u>	<u>Deletion – Chapter 1, Division II, Section R109.1.3</u>
<u>15.03.130</u>	<u>Amendment – Chapter 1, Division II, Section R112.1</u>
<u>15.03.140</u>	<u>Amendment – Chapter 1, Division II, Section R112.2</u>
<u>15.03.150</u>	<u>Deletion – Chapter 1, Division II, Section R112.2.1</u>
<u>15.03.160</u>	<u>Deletion – Chapter 1, Division II, Section R112.2.2</u>
<u>15.03.170</u>	<u>Amendment – Chapter 1, Division II, Section R112.3</u>
<u>15.03.180</u>	<u>Addition – Chapter 1, Division II, Section R115</u>
<u>15.03.190</u>	<u>Addition – Chapter 1, Division II, Section R115.1</u>
<u>15.03.200</u>	<u>Addition – Chapter 1, Division II, Section R115.2</u>
<u>15.03.210</u>	<u>Addition – Chapter 1, Division II, Section R115.3</u>
<u>15.03.215</u>	<u>Addition – Chapter 1, Division II, Section R115.4</u>
<u>15.03.218</u>	<u>Addition – Chapter 1, Division II, Section R115.5</u>
<u>15.03.220</u>	<u>Addition – Chapter 1, Division II, Section R115.6</u>
<u>15.03.230</u>	<u>Addition – Chapter 1, Division II, Section R115.7</u>
<u>15.03.240</u>	<u>Violation – Penalty</u>
<u>15.03.250</u>	<u>No Mandatory Duty</u>

15.03.010 - Adoption by reference.

The 2016 California Residential Code, known as Part 2.5, Title 24 of the California Code of Regulations, excluding all but the following Appendix Chapters: Appendix Chapter V – Swimming Pool Safety, is hereby adopted by reference as though fully set forth in this chapter except as modified by the following subsections of this section and the following sections of this chapter:

A. Residential Code Chapter 1, Division I shall apply to State-regulated buildings, structures and applications set forth by Section 1.1.3 of Chapter 1, Division I (except as may be modified by subsection C.)

B. Residential Code Chapter 1, Division II shall apply to State-regulated buildings, structures and applications in accordance with the Matrix Adoption Table in Chapter 1 of the California Residential Code (except as may be modified by subsection C.)

C. Residential Code Chapter 1, Division II shall not apply to Nonstate-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures. (See Section 15.01.010(C) for reference to application of Building Code Chapter 1, Division II to Nonstate-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.) Where there is a conflict or inconsistency between the provisions of Division I and Division II, the provisions of Division II shall apply.

D. Any of the following sections in this chapter which modify, amend, or replace any of the provisions of Chapter 1, Division I or II shall be applicable to all State-regulated and non-state-regulated buildings and structures, including detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.

15.03.020 - Addition – Chapter 1, Division I, Section 1.8.9.3

Section 1.8.9.3, Conditions, is added as follows:

1.8.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.

15.03.030 - Addition – Chapter 1, Division I, Section 1.8.9.4

Section 1.8.9.4, Record, is added as follows:

1.8.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.03.040 - Addition – Chapter 1, Division I, Section 1.8.9.5

Section 1.8.9.5, Notice and Order, is added as follows:

1.8.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.03.050 - Addition – Chapter 1, Division I, Section 1.8.9.6

Section 1.8.9.6, Method of Service, is added as follows:

1.8.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.03.060 - Addition – Chapter 1, Division I, Section 1.8.9.7

Section 1.8.9.7, Restoration, is added as follows:

1.8.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or

additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.03.070 - Addition – Chapter 1, Division I, Section 1.8.9.8

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.06 of the Corte Madera Municipal Code.

15.03.080 - Addition – Chapter 1, Division I, Section 1.8.9.9

Section 1.8.9.9, Staying of Order, is added as follows:

1.8.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 1.8.9.6.

15.03.90 - Deletion – Chapter 1, Division II, Section R104.10.1

Section R104.10.1, Areas Prone to Flooding, is deleted in its entirety.

15.03.100 - Deletion – Chapter 1, Division II, Section 105.3.1.1.

Section R105.3.1.1, Determination of Substantially Improved or Substantially Damaged Existing Buildings in Flood Hazard Areas, is deleted in its entirety.

15.03.110 - Amendment – Chapter 1, Division II, Section R108.3

Section R108.3, Building Permit Valuations, is deleted and replaced to read as follows:

R108.3 Building Permit Valuations. The applicant for a permit shall provide an estimated valuation of proposed work at time of application. Permit valuation shall include total value of work, including materials and labor, for all elements of regulated construction.

15.03.120 - Deletion – Chapter 1, Division II, Section R109.1.3

Section R109.1.3, Flood Plan Inspections, is deleted in its entirety.

15.03.130 - Amendment – Chapter 1, Division II, Section R112.1

Section R112.1, General, is deleted and replaced to read as follows:

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.

15.03.140 - Amendment – Chapter 1, Division II, Section R112.2

Section R112.2, Limitations on Authority, is deleted and replaced to read as follows:

112.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the Town of Corte Madera.

15.03.170 - Amendment – Chapter 1, Division II, Section R112.3

Section R112.3, Qualifications, is deleted and replaced to read as follows:

R112.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.01 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

15.03.180 - Addition – Chapter 1, Division II, Section R115

Section R115, Unsafe Structures and Equipment, is added with subsections as shown.

15.03.190 - Addition – Chapter 1, Division II, Section R115.1

Section R115.1, Conditions, is added as follows:

R115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.

15.03.200 - Addition – Chapter 1, Division II, Section R115.2

Section R115.2, Record, is added as follows:

R115.2 Record. The building official may cause a report to be filed on an unsafe

condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.03.210 - Addition – Chapter 1, Division II, Section R115.3

Section R115.3, Notice, is added as follows:

R115.3 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.03.215 - Addition – Chapter 1, Division II, Section R115.4

Section R115.4, Method of Service, is added as follows:

R115.4 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.03.218 - Addition – Chapter 1, Division II, Section R115.5

Section R115.5, Restoration, is added as follows:

R115.5 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.03.220 - Addition – Chapter 1, Division II, Section R115.6

Section R115.6, Nuisance Proceedings, is added as follows:

R115.6 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.03 of the Corte Madera Municipal Code.

15.03.230 - Addition – Chapter 1, Division II, Section R115.7

Section R115.7, Staying of Order, is added as follows:

R115.7 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section R115.4.

15.03.240 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.03.250 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 3. Chapter 15.05 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.05

ELECTRICAL CODE

Sections:

<u>15.05.010</u>	<u>Adoption by Reference.</u>
<u>15.05.020</u>	<u>Addition – Section 89.108.9.3</u>
<u>15.05.030</u>	<u>Addition – Section 89.108.9.4</u>
<u>15.05.040</u>	<u>Addition – Section 89.108.9.5</u>
<u>15.05.050</u>	<u>Addition – Section 89.108.9.6</u>
<u>15.05.060</u>	<u>Addition – Section 89.108.9.7</u>
<u>15.05.070</u>	<u>Addition – Section 89.108.9.8</u>
<u>15.05.080</u>	<u>Addition – Section 89.108.9.9</u>
<u>15.05.090</u>	<u>Violation – Penalty</u>
<u>15.05.100</u>	<u>No Mandatory Duty</u>

15.05.010 - Adoption by reference.

The 2016 California Electrical Code, known as Part 3, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this Chapter except as

modified by the following sections of this Chapter.

15.05.020 - Addition – Section 89.108.9.3

Section 89.108.9.3, Conditions, is added as follows:

89.108.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.

15.05.030 - Addition – Section 89.108.9.4

Section 89.108.9.4, Record, is added as follows:

89.108.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.05.040 - Addition – Section 89.108.9.5

Section 89.108.9.5, Notice and Order, is added as follows:

89.108.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.05.050 - Addition – Section 89.108.9.6

Section 89.108.9.6, Method of Service, is added as follows:

89.108.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.05.060 - Addition – Section 89.108.9.7

Section 89.108.9.7, Restoration, is added as follows:

89.108.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.05.070 - Addition – Section 89.108.9.8

Section 89.108.9.8, Nuisance Proceedings, is added as follows:

89.108.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.05 of the Corte Madera Municipal Code.

15.05.080 - Addition – Section 89.108.9.9

Section 89.108.9.9, Staying of Order, is added as follows:

89.108.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 89.108.9.6.

15.05.090 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.05.100 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 4. Chapter 15.06 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.06

MECHANICAL CODE

Sections:

<u>15.06.010</u>	<u>Adoption by Reference.</u>
<u>15.06.020</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.3</u>
<u>15.06.030</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.4</u>
<u>15.06.040</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.5</u>
<u>15.06.050</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.6</u>
<u>15.06.060</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.7</u>
<u>15.06.070</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.8</u>
<u>15.06.080</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.9</u>
<u>15.06.090</u>	<u>Addition – Chapter 1, Division II, Section 107.2</u>
<u>15.06.100</u>	<u>Addition – Chapter 1, Division II, Section 107.3</u>
<u>15.06.110</u>	<u>Addition – Chapter 1, Division II, Section 107.4</u>
<u>15.06.120</u>	<u>Addition – Chapter 1, Division II, Section 107.5</u>
<u>15.06.130</u>	<u>Addition – Chapter 1, Division II, Section 107.6</u>
<u>15.06.140</u>	<u>Addition – Chapter 1, Division II, Section 107.7</u>
<u>15.06.150</u>	<u>Amendment – Chapter 1, Division II, Section 108.1</u>
<u>15.06.160</u>	<u>Amendment – Chapter 1, Division II, Section 108.2</u>
<u>15.06.170</u>	<u>Addition – Chapter 1, Division II, Section 108.3</u>
<u>15.06.180</u>	<u>Amendment – Chapter 1, Division II, Section 114.1</u>
<u>15.06.190</u>	<u>Deletion – Chapter 1, Division II, Section 114.2</u>
<u>15.06.200</u>	<u>Deletion – Chapter 1, Division II, Section 114.3</u>
<u>15.06.210</u>	<u>Deletion – Chapter 1, Division II, Table 114-1</u>
<u>15.06.220</u>	<u>Violation – Penalty</u>
<u>15.06.230</u>	<u>No Mandatory Duty</u>

15.06.010 - Adoption by reference.

The 2016 California Mechanical Code, known as Part 4, Title 24 of the California Code of Regulations, including all appendices, is hereby adopted by reference as though fully set forth in this chapter except as modified by the following subsections of this section and the following sections of this chapter:

A. Mechanical Code Chapter 1, Division I shall apply to State-regulated buildings, structures and applications set forth by Section 1.1.3.2 of Chapter 1, Division I.

B. Mechanical Code Chapter 1, Division II shall apply to State-regulated buildings, structures and applications in accordance with the Matrix Adoption Table in Chapter 1 of the California Mechanical Code (except as may be modified by subsection C.)

C. Chapter 1, Division II shall apply to all Nonstate-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures. Where there is a conflict or inconsistency between the provisions of Division I and Division II, the provisions of Division II shall apply.

D. Any of the following sections in this chapter which modify, amend, or replace any

of the provisions of Chapter 1, Division I or Chapter 1, Division II shall be applicable to all State-regulated and Nonstate-regulated buildings and structures, including detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.

15.06.020 - Addition – Chapter 1, Division I, Section 1.8.9.3

Section 1.8.9.3, Conditions, is added as follows:

1.8.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.

15.06.030 - Addition – Chapter 1, Division I, Section 1.8.9.4

Section 1.8.9.4, Record, is added as follows:

1.8.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.06.040 - Addition – Chapter 1, Division I, Section 1.8.9.5

Section 1.8.9.5, Notice and Order, is added as follows:

1.8.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.06.050 - Addition – Chapter 1, Division I, Section 1.8.9.6

Section 1.8.9.6, Method of Service, is added as follows:

1.8.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.06.060 - Addition – Chapter 1, Division I, Section 1.8.9.7

Section 1.8.9.7, Restoration, is added as follows:

1.8.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.06.070 - Addition – Chapter 1, Division I, Section 1.8.9.8

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.06 of the Corte Madera Municipal Code.

15.06.080 - Addition – Chapter 1, Division I, Section 1.8.9.9

Section 1.8.9.9, Staying of Order, is added as follows:

1.8.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 1.8.9.6.

15.06.090 - Addition – Chapter 1, Division II, Section 106.7

Section 106.7, Record, is added as follows:

106.7 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.06.100 - Addition – Chapter 1, Division II, Section 106.8

Section 106.8, Notice and Order, is added as follows:

106.8 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.06.110 - Addition – Chapter 1, Division II, Section 106.9

Section 106.9, Method of Service, is added as follows:

106.9 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.06.120 - Addition – Chapter 1, Division II, Section 106.10

Section 106.10, Restoration, is added as follows:

106.10 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.06.130 - Addition – Chapter 1, Division II, Section 106.11

Section 106.11, Nuisance Proceedings, is added as follows:

106.11 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.06 of the Corte Madera Municipal Code.

15.06.140 - Addition – Chapter 1, Division II, Section 106.12

Section 106.12, Staying of Order, is added as follows:

106.12 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 106.9.

15.06.150 - Amendment – Chapter 1, Division II, Section 107.1

Section 107.1, General, is deleted and replaced to read as follows:

107.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.

15.06.160 - Amendment – Chapter 1, Division II, Section 107.2

Section 107.2, Limitations on Authority, is amended to read as follows:

107.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the Town of Corte Madera.

15.06.170 - Addition – Chapter 1, Division II, Section 107.3

Section 107.3, Appeals, is added as follows:

107.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.06 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

15.06.190 - Amendment – Chapter 1, Division II, Section 104.5

Section 104.5, General, is deleted and replaced to read as follows:

104.5 General. Permit, plan review, and administrative fees shall be assessed in accordance with the fee schedule adopted by the Town of Corte Madera.

15.06.200 - Deletion – Chapter 1, Division II, Section 104.3.2

Section 104.3.2, Plan Review Fees, is deleted in its entirety.

15.06.210 - Deletion – Chapter 1, Division II, Table 104.5

Table 104.5, Mechanical Permit Fees, is deleted in its entirety.

15.06.220 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.06.230 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person

acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 5. Chapter 15.07 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.07

PLUMBING CODE

Sections:

<u>15.07.010</u>	<u>Adoption by Reference.</u>
<u>15.07.020</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.3</u>
<u>15.07.030</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.4</u>
<u>15.07.040</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.5</u>
<u>15.07.050</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.6</u>
<u>15.07.060</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.7</u>
<u>15.07.070</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.8</u>
<u>15.07.080</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.9</u>
<u>15.07.090</u>	<u>Addition – Chapter 1, Division II, Section 102.2.5.1</u>
<u>15.07.100</u>	<u>Addition – Chapter 1, Division II, Section 102.2.5.2</u>
<u>15.07.110</u>	<u>Addition – Chapter 1, Division II, Section 102.2.5.3</u>
<u>15.07.120</u>	<u>Addition – Chapter 1, Division II, Section 102.2.5.4</u>
<u>15.07.130</u>	<u>Addition – Chapter 1, Division II, Section 102.2.5.5</u>
<u>15.07.140</u>	<u>Addition – Chapter 1, Division II, Section 102.2.5.6</u>
<u>15.07.150</u>	<u>Addition – Chapter 1, Division II, Section 102.4</u>
<u>15.07.160</u>	<u>Addition – Chapter 1, Division II, Section 102.4.1</u>
<u>15.07.170</u>	<u>Addition – Chapter 1, Division II, Section 102.4.2</u>
<u>15.07.180</u>	<u>Addition – Chapter 1, Division II, Section 102.4.3</u>
<u>15.07.190</u>	<u>Amendment – Chapter 1, Division II, Section 103.4.1</u>
<u>15.07.200</u>	<u>Deletion – Chapter 1, Division II, Section 103.4.2</u>
<u>15.07.210</u>	<u>Deletion – Chapter 1, Division II, Table 1-1</u>
<u>15.07.220</u>	<u>Violation – Penalty</u>
<u>15.07.230</u>	<u>No Mandatory Duty</u>

15.07.010 - Adoption by reference.

The 2016 California Plumbing Code, known as Part 5, Title 24 of the California Code of Regulations, including all appendices, is hereby adopted by reference as though fully set forth in this chapter except as modified by the following subsections of this section and the following sections of this chapter:

A. Plumbing Code Chapter 1, Division I shall apply to State-regulated buildings, structures and applications set forth by Section 1.1.3.2 of Chapter 1, Division I.

B. Plumbing Code Chapter 1, Division II shall apply to State-regulated buildings, structures and applications in accordance with the Matrix Adoption Table in Chapter 1 of the California Plumbing Code (except as may be modified by subsection C.)

C. Chapter 1, Division II shall apply to all non-State-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures. Where there is a conflict or inconsistency between the provisions of Division I and Division II, the provisions of Division II shall apply.

D. Any of the following sections in this chapter which modify, amend, or replace any of the provisions of Chapter 1, Division I or Chapter 1, Division II shall be applicable to all State-regulated and non-State-regulated buildings and structures, including detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.

15.07.020 - Addition – Chapter 1, Division I, Section 1.8.9.3

Section 1.8.9.3, Conditions, is added as follows:

1.8.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.

15.07.030 - Addition – Chapter 1, Division I, Section 1.8.9.4

Section 1.8.9.4, Record, is added as follows:

1.8.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.07.040 - Addition – Chapter 1, Division I, Section 1.8.9.5

Section 1.8.9.5, Notice and Order, is added as follows:

1.8.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.07.050 - Addition – Chapter 1, Division I, Section 1.8.9.6

Section 1.8.9.6, Method of Service, is added as follows:

1.8.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.07.060 - Addition – Chapter 1, Division I, Section 1.8.9.7

Section 1.8.9.7, Restoration, is added as follows:

1.8.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.07.070 - Addition – Chapter 1, Division I, Section 1.8.9.8

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.07 of the Corte Madera Municipal Code.

15.07.080 - Addition – Chapter 1, Division I, Section 1.8.9.9

Section 1.8.9.9, Staying of Order, is added as follows:

1.8.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 1.8.9.6.

15.07.090 - Addition – Chapter 1, Division II, Section 106.7

Section 106.7, Record, is added as follows:

106.7 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.07.100 - Addition – Chapter 1, Division II, Section 106.8

Section 106.8, Notice and Order, is added as follows:

106.8 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.07.110 - Addition – Chapter 1, Division II, Section 106.9

Section 106.9, Method of Service, is added as follows:

106.9 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

15.07.120 - Addition – Chapter 1, Division II, Section 106.10

Section 106.10, Restoration, is added as follows:

106.10 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.07.130 - Addition – Chapter 1, Division II, Section 106.11

Section 106.11, Nuisance Proceedings, is added as follows:

106.11 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.07 of the Corte Madera Municipal Code.

15.07.140 - Addition – Chapter 1, Division II, Section 102.2.5.6

Section 102.2.5.6, Staying of Order, is added as follows:

102.2.5.6 Staying of Order. Except as otherwise provided by this paragraph, if the owner

fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 102.2.5.3.

15.07.150 - Amendment – Chapter 1, Division II, Section 107.1

Section 107.1, Board of Appeals, is deleted and replaced to read as follows:

107.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.

15.07.160 - Addition – Chapter 1, Division II, Section 107.2

Section 107.2, Definitions, is added as follows:

107.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the Town of Corte Madera.

15.07.170 - Addition – Chapter 1, Division II, Section 107.3

Section 107.3, Appeals, is added as follows:

107.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.07 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

15.07.190 - Amendment – Chapter 1, Division II, Section 104.5

Section 104.5, Fees, is deleted and replaced to read as follows:

104.5 Fees. Permit, plan review, and administrative fees shall be assessed in accordance with the fee schedule adopted by the Town of Corte Madera.

15.07.200 - Deletion – Chapter 1, Division II, Section 104.3.2

Section 104.3.2, Plan Review Fees, is deleted in its entirety.

15.07.210 - Deletion – Chapter 1, Division II, Table 104.5

Table 104.5, Plumbing Permit Fees, is deleted in its entirety.

15.07.220 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.07.230 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 6. Chapter 15.08 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.08

ENERGY CODE

Sections:

<u>15.08.010</u>	<u>Adoption by Reference</u>
<u>15.08.020</u>	<u>Violation – Penalty</u>
<u>15.08.030</u>	<u>No Mandatory Duty</u>

15.08.010 - Adoption by reference.

The 2016 California Energy Code, known as Part 6, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this chapter.

15.08.020 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.08.030 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 7. Chapter 15.09 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.09

HISTORIC BUILDING CODE

Sections:

<u>15.09.010</u>	<u>Adoption by Reference</u>
<u>15.09.020</u>	<u>Violation – Penalty</u>
<u>15.09.030</u>	<u>No Mandatory Duty</u>

15.09.010 - Adoption by reference.

The 2016 California Historic Building Code, known as Part 8, Title 24 of the California Code of Regulations, including appendix A, is hereby adopted by reference as though fully set forth in this chapter.

15.09.020 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.09.030 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 8. Chapter 15.11 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.11

EXISTING BUILDING CODE

Sections:

<u>15.11.010</u>	<u>Adoption by Reference</u>
<u>15.11.020</u>	<u>Violation – Penalty</u>
<u>15.11.030</u>	<u>No Mandatory Duty</u>

15.11.010 - Adoption by reference.

The 2016 California Existing Building Code, known as Part 10, Title 24 of the California Code of Regulations, including all appendices, is hereby adopted by reference as though fully set forth in this chapter.

15.11.020 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.11.030 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 9. Chapter 15.13 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.13

GREEN BUILDING CODE

Sections:

<u>15.13.010</u>	<u>Adoption by Reference</u>
<u>15.13.020</u>	<u>Violation – Penalty</u>
<u>15.13.030</u>	<u>No Mandatory Duty</u>

15.13.010 - Adoption by reference.

The 2016 California Green Building Standards Code, known as Part 11, Title 24 of the California Code of Regulations, including all appendices, is hereby adopted by reference as though fully set forth in this chapter.

15.13.020 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.13.030 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this section.

Section 10. Chapter 15.15 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.15

REFERENCED STANDARDS CODE

Sections:

<u>15.15.010</u>	<u>Adoption by Reference</u>
<u>15.15.020</u>	<u>Violation – Penalty</u>
<u>15.15.030</u>	<u>No Mandatory Duty</u>

15.15.010 - Adoption by reference.

The 2016 California Referenced Standards Code, known as Part 12, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this chapter.

15.15.020 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.15.030 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

Section 11. Chapter 15.17 of the Corte Madera Municipal Code is hereby added to Title 15 to read as follows:

Chapter 15.17

ELECTRICAL CODE ADMINISTRATIVE PROVISIONS

Sections:

<u>15.17.010</u>	<u>Adoption by Reference.</u>
<u>15.17.020</u>	<u>Amendment – Section 102.6</u>
<u>15.17.030</u>	<u>Deletion – Section 201.3</u>

<u>15.17.040</u>	<u>Deletion – Section 301</u>
<u>15.17.050</u>	<u>Deletion – Section 303</u>
<u>15.17.060</u>	<u>Amendment – Section 404.2</u>
<u>15.17.070</u>	<u>Amendment – Section 901.5</u>
<u>15.17.080</u>	<u>Addition – Section 901.7</u>
<u>15.17.090</u>	<u>Addition – Section 901.8</u>
<u>15.17.100</u>	<u>Addition – Section 901.9</u>
<u>15.17.110</u>	<u>Amendment – Section 1101.1</u>
<u>15.17.120</u>	<u>Amendment – Section 1101.2</u>
<u>15.17.130</u>	<u>Addition – Section 1101.3</u>
<u>15.17.140</u>	<u>Deletion – Section 1102</u>
<u>15.17.150</u>	<u>Deletion – Section 1103</u>
<u>15.17.160</u>	<u>Deletion – Chapter 12</u>
<u>15.17.170</u>	<u>Deletion – Chapter 13</u>
<u>15.17.180</u>	<u>Violation – Penalty</u>
<u>15.17.190</u>	<u>No Mandatory Duty</u>

15.17.010 - Adoption by reference.

The 2006 International Code Council Electrical Code Administrative Provisions is hereby adopted by reference as though fully set forth in this chapter except as modified by the following sections of this chapter.

15.17.020 - Amendment – Section 102.6

Section 102.6, Referenced Codes and Standards, is deleted and replaced to read as follows:

102.6 Referenced codes and standards. Where differences occur between provisions of the California Electrical Code and referenced codes or standards, the provisions of the California Electrical Code shall apply. Where enforcement of a code provision would conflict with the conditions of the listing of approved equipment or appliances, the conditions of the listing and manufacturer's instructions shall apply.

15.17.030 - Deletion – Section 201.3

Section 201.3, Terms Defined in Other Codes, is deleted in its entirety.

15.17.040 - Deletion – Section 301

Section 301, Department of Electrical Inspection, is deleted in its entirety.

15.17.050 - Deletion – Section 303

Section 303, Certificate of Occupancy, is deleted in its entirety.

15.17.060 - Amendment – Section 404.2

Section 404.2, Schedule of Permit Fees, is deleted and replaced to read as follows:

404.2 Fees. Permit, plan review, and administrative fees shall be assessed in accordance with the fee schedule adopted by the Town of Corte Madera.

15.17.070 - Amendment – Section 901.5

Section 901.5, Notice, is deleted and replaced to read as follows:

901.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.

15.17.080 - Addition – Chapter 1, Section 901.7

Section 901.7, Restoration, is added as follows:

901.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the California Existing Building Code.

15.17.090 - Addition – Section 901.8

Section 901.8, Nuisance Proceedings, is added as follows:

901.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.17 of the Corte Madera Municipal Code.

15.17.100 - Addition – Section 901.9

Section 901.9, Staying of Order, is added as follows:

901.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 901.6.

15.17.110 - Amendment – Section 1101.1

Section 1101.1, General, is deleted and replaced to read as follows:

1101.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.

15.17.120 - Amendment – Section 1101.2

Section 1101.2, Limitations on Authority, is deleted and replaced to read as follows:

1101.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the Town of Corte Madera.

15.17.130 - Addition – Section 1101.3

Section 1101.3, Appeals, is added as follows:

1101.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapters 15.05 and 15.17 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

15.17.140 - Deletion – Section 1102

Section 1102, Membership, is deleted in its entirety.

15.17.150 - Deletion – Section 1103

Section 1103, Procedures, is deleted in its entirety.

15.17.160 - Deletion – Chapter 12

Chapter 12, Electrical Provisions, is deleted in its entirety.

15.17.170 - Deletion – Chapter 13

Chapter 13, Referenced Standards, is deleted in its entirety.

15.17.180 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.17.190 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this section.

Section 12. Chapter 15.19 of the Corte Madera Municipal Code is hereby added to Title 15 to read as follows:

Chapter 15.19

SEVERABILITY

Sections:

15.19.010 Severability

15.19.010 - Severability.

If any section, subsection, phrase or clause of Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, 15.15, and 15.17 is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, 15.15, and 15.17.

The Town Council declares that it would have passed the ordinance codified in Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, 15.15, and 15.17 and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional.

Section 13. The Town Council finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Title 14, Chapter 3 California Code of Regulations, Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The ordinance adopts standard codes in effect pursuant to state law and sets requirements for compliance. The adoption of this ordinance does not entitle new development or any changes to the physical environment.

Section 14. This ordinance shall become effective 30 days after the date of adoption or on January 1, 2017, whichever is later.

Section 15. The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent Journal within 5 days prior to passage and within 15 days after passage.

This ordinance was introduced on the 1st day of November, 2016; and adopted on the 15th day of November, 2016, by the following vote:

AYES: Councilmembers:

FINAL ADOPTION ORDINANCE for
2016 California Building Standards Code
Version 1 - 10/10/2016

NOES: Councilmembers:

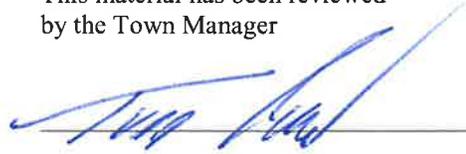
ABSENT: Councilmembers:

Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

This material has been reviewed
by the Town Manager



CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date October 20, 2016
Meeting Date: November 1, 2016

TO: TOWN MANAGER, MAYOR AND TOWN COUNCIL

FROM: SCOTT SHURTZ, INTERIM DIRECTOR OF EMERGENCY SERVICES

SUBJECT: INTRODUCTION OF ORDINANCE NO. 960 REPEALING AND RE-ENACTING CHAPTER 15.02, ADOPTING THE 2016 CALIFORNIA FIRE CODE AND APPENDIX A OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE WITH ADMENDMENTS SUPPOTD BY LOCAL FINDINGS AND SETTING A PUBLIC HEARING FOR ADOPTION OF THE ORDINANCE

* * * * *

RECOMMENDATION:

Staff recommends that the Town Council: 1) introduce the proposed Ordinance No. 960 adopting the 2016 California Fire Code prescribing regulations governing conditions hazardous to life and property from fire or explosion, providing for the issuance of permits for hazardous uses or operations, and establishing a bureau of fire prevention and providing officers therefore and defining their powers and duties, and repealing Ordinance 936; and 2) set a public hearing on the proposed ordinance at the date and time of the next regularly scheduled Town Council meeting.

OPTIONS:

The Town Council may choose to introduce the ordinance as proposed, reject the proposed ordinance or direct staff to provide more information regarding the ordinance.

TOWN MANAGER'S RECOMMENDATION:

Support staff's recommendation.

FISCAL IMPACTS:

Minimal fiscal impact from collection of permit fees.

GENERAL PLAN:

This supports the Town's administrative policy, as outlined in Goal PSH -2 of the Town's General Plan: "Achieve high level of public safety for all Town residents and businesses."

ENVIRONMENTAL IMPACT:

Categorically exempt.

BACKGROUND:

International Fire Codes are published on a periodic basis (last cycle in 2012). The California Building Standards Commission then reviews the model code and determines changes to be made for the California Fire Code. Once the California Fire Code is published, local jurisdictions have 180 days to amend and adopt the codes for their own jurisdiction; otherwise the California Code becomes the default code for the jurisdiction. The 2016 California Fire Code was "published" on July 1, 2016. The 180 day amending/adopting period ends on December 31, 2016. The previous ordinance (#936) adopted in 2013 amended and adopted the 2013 "California Fire Code".

During the summer of 2016, the Fire Prevention Officers Section of the Marin Fire Chiefs Association formed a committee for the purpose of cooperatively drafting and reviewing the proposed amendments to make the same or similar amendments to each of their adoptive local ordinances.

Most of the language in the proposed ordinance comes directly from the previously adopted ordinances and/or the Marin Fire Prevention Officer meetings.

There are no philosophical changes in the proposed ordinance over the last Ordinance 936 adopted by the Town Council in 2013.

Changes to the model, state, and local fire codes are promulgated by numerous factors. Authorities having jurisdiction, professional organizations, and committees at international, national, regional, state and local levels review proposed changes based on research and technology, documented failures and/or tragedies, changing conditions and the like. These proposed changes then go through an extensive technical and public review process before they are approved and promulgated.

Changes to the Fire Code for Corte Madera are based on findings of fact regarding local topographic, geologic, and climatic factors, as required by state regulation.

The provisions contained in the fire code can be of substantial positive impact to the community. For example, requirements for the installation of fire sprinklers have been part of Corte Madera's Fire Code for longer than almost anywhere in California and the nation. This requirement has reduced fire losses and has made the Town of Corte Madera safer. The adoption of the proposed ordinance will continue to improve the health and safety of the citizens of Corte Madera and improve their quality of life.

ATTACHMENTS:

#1: Draft Ordinance No. 960

ATTACHMENT 1

Draft Ordinance No. 960

ORDINANCE NO. 960

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA REPEALING AND RE-ENACTING CHAPTER 15.02, ADOPTING THE 2016 CALIFORNIA FIRE CODE AND APPENDIX A OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE WITH AMENDMENTS SUPPORTED BY LOCAL FINDINGS, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; AND DEFINING THE POWERS AND DUTIES OF THE CORTE MADERA FIRE DEPARTMENT AND OFFICERS.

The Town Council of the Town of Corte Madera does ordain as follows:

SECTION 1. Chapter No. 15.02 of the Town of Corte Madera Municipal Code is repealed and replaced in its entirety to read as follows:

**CHAPTER 15.02
FIRE CODE**

Sections:

- 15.02.010 ADOPTION OF CALIFORNIA FIRE CODE**
- 15.02.020 ESTABLISHMENT AND DUTIES OF THE CORTE MADERA FIRE DEPARTMENT**
- 15.02.030 DEFINITIONS**
- 15.02.040 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II, AND CLASS III LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED**
- 15.02.050 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN ABOVEGROUND TANKS IS PROHIBITED**
- 15.02.060 ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED**
- 15.02.070 ESTABLISHMENT OF GEOGRAPHIC LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED**
- 15.02.080 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED**

- 15.02.090 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED**
- 15.02.100 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED**
- 15.02.110 AMENDMENTS MADE TO THE 2016 CALIFORNIA FIRE CODE, 2015 INTERNATIONAL FIRE CODE AND 2015 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE**
- 15.02.120 FINDINGS**
- 15.02.130 APPEALS**
- 15.02.140 PENALTIES**
- 15.02.150 FORMER ORDINANCES**
- 15.02.160 NO MANDATORY DUTY**
- 15.02.010 ADOPTION OF 2016 CALIFORNIA FIRE CODE AND APPENDIX A OF THE 2015 INTERNATIONAL WILDLAND URBAN INTERFACE CODE**

There is hereby adopted by the Town Council of the Town of Corte Madera, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the following:

1. The 2016 California Fire Code, which consists of certain portions of the 2015 edition of the International Fire Code as amended by the California Building Standards Commission, including the following appendices only:
 - a. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS, the whole thereof, save and except such portions as are hereafter deleted, modified or amended by section 11 of this Ordinance.
 - b. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION,
 - c. Appendix F HAZARD RANKING,
 - d. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND HAZARDOUS MATERIALS INVENTORY STATEMENTS
 - e. Appendix N TEMPORARY HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT USES.

2. Appendix A of the 2015 edition of the International Wildland-Urban Interface Code save and except such portions as are hereinafter deleted, modified or amended by Section 15.02.110 of this Ordinance.

Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the Fire Marshal of the Corte Madera Fire Department and the same are hereby adopted and incorporated fully as if set out at length herein, and from the date on which this Ordinance shall take effect, and the provisions thereof shall be controlling within the limits of the Town of Corte Madera.

15.02.020 ESTABLISHMENT AND DUTIES OF THE CORTE MADERA FIRE DEPARTMENT

The 2016 California Fire Code, which consists of certain portions of the 2015 edition of the International Fire Code as amended by the California Building Standards Commission, and Appendix A of the 2015 edition of the International Wildland-Urban Interface Code as adopted and amended herein, shall be enforced by the Fire Department of the Town of Corte Madera and shall be operated under the supervision of the Fire Code Official.

15.02.030 DEFINITIONS

Wherever they appear in the California and International Fire Codes, unless otherwise provided, the following words shall have the meanings ascribed to them in this section:

- (a) Whenever the words "Fire Code" are used they shall mean those Codes and Standards adopted in Section 1 of this Ordinance.
- (b) Wherever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the Town of Corte Madera.
- (c) Wherever the term "counsel" is used in the Fire Code, it shall be held to mean the attorney for the Town of Corte Madera.
- (d) Wherever the words "Fire Code Official" are used in the Fire Code, they shall be held to mean the Director of Emergency Services or Fire Marshal of the Town of Corte Madera.

15.02.040 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED

The geographic limits referred to in Section 5704.2.9.6.1 of the International Fire Code in which storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited are amended as follows: In all areas of the Town of Corte Madera. (Exception –

Approved protected aboveground tanks are permitted in approved locations, in accordance with standards developed by the Fire Code Official).

15.02.050 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN ABOVEGROUND TANKS IS PROHIBITED

The geographic limits referred to in Section 5706.2.4.4 of the International Fire Code in which storage of Class I, Class II and Class III liquids in aboveground tanks is prohibited are amended as follows: In all areas of the Town of Corte Madera. (Exception – Approved protected aboveground tanks are permitted in approved locations, in accordance with standards developed by the Fire Code Official).

15.02.060 ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED

The geographic limits, referred to in Section 5806.2 of the International Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established as follows: In all areas of the Town of Corte Madera. (Exception – Approved protected aboveground tanks are permitted in approved locations, in accordance with standards developed by the Fire Code Official).

15.02.070 ESTABLISHMENTS OF GEOGRAPHIC LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED

The geographic limits referred to in Section 6104.2 of the International Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the Town of Corte Madera. (Exception – portable LPG tanks, containing five gallons or less storage capacity, are acceptable for approved use.)

15.02.080 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED

The storage of explosives and blasting agents is prohibited in all areas within the boundaries of the Town of Corte Madera.

15.02.090 ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED

The storage of compressed natural gas is prohibited in all residential areas and all heavily populated or congested commercial areas as established by the Town of Corte Madera.

15.02.100 ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED

The geographic limits, in which the storage of hazardous materials is prohibited or limited, are hereby established as follows: In all residential areas and in heavily populated or congested commercial areas, as established by Town of Corte Madera.

15.02.110 AMENDMENTS MADE TO THE 2016 CALIFORNIA FIRE CODE, 2015 INTERNATIONAL FIRE CODE AND 2015 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE

The 2016 California Fire Code is amended and changed in the following respects:

Section 102.5 of Chapter 1 is hereby amended to read as follows:

102.5 Application of residential code. Where structures are designed and constructed in accordance with the *International Residential Code*, the provisions of this code shall apply as follows:

1. Construction and designed provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Provisions of this code pertaining to the interior of the structure when specifically required by this code including, but not limited to, Section 605.11 and 903.2 shall apply. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall also apply.

Section 102.7.3 is hereby added to Chapter 1 and shall read as follows:

Section 102.7.3 **Nationally Recognized Listed Products.** Any installation of products and equipment due to permits required by this Code shall be Labeled and Listed, as defined in Section 202.

Section 104.1.1 is hereby added to Chapter 1 and shall read as follows:

Section 104.1.1 **Supplemental Rules, Regulations and Standards or Policies.** The Fire Code Official is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations and to develop Fire Protection Standards or Policies to carry out the application and intent of this code.

Section 104.12 is hereby added to Chapter 1 and shall read as follows:

Section 104.12. **Damages and Expense Recovery.** The expense of securing any emergency that is within the responsibility for enforcement of the Fire Official as given in Section 104 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the Fire Official for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

Section 104.13 is hereby added to Chapter 1 and shall read as follows:

Section 104.13. **Fire Prevention Resource Sharing.** Other enforcement agencies shall have authority to render necessary assistance in plan review, inspection, code interpretation, enforcement and other fire prevention services when requested to do so.

Section 105.6.49 of Chapter 1 is hereby amended by adding the following additional operational permits:

- 4. **Aircraft Refueling Vehicles.** An operational permit is required to operate aircraft refueling vehicles. See Chapter 20.
- 5. **Fire Protection Plan.** An operational permit is required to implement a fire protection plan.
- 6. **Radioactive material.** An operational permit is required to store or handle at any installation more than 1 micro curie (37,000 Becquerel) of radioactive material not contained in a sealed source or more that 1 millicurie (37,000,000 Becquerel) of radioactive material in a sealed source or sources, or any amount of radioactive material for which specific license from the Nuclear Regulatory Commission is required.

Section 105.7.19 is hereby added to Chapter 1 and shall read as follows:

Section 105.7.19 **Vegetation Management Plan.** A construction permit is required to implement a vegetation management plan.

Section 109.4.2. is hereby added to Chapter 1 and shall read as follows:

109.4.2 – Corrective Actions –

A. The owners of real property within the Town shall be responsible for the maintenance of such property in conformance with the vegetation management standards of the Town of Corte Madera. Failure of the property owner to maintain such property in

compliance with these vegetation management standards shall constitute a public nuisance and be subject to the nuisance abatement procedures established by Chapter 9.04 of the Town Municipal Code.

B. Nothing in this section shall prevent the Town from taking such other action or commencing such other proceedings than the nuisance abatement proceedings in Chapter 9.04. The procedures provided by Chapter 9.04 are an alternative to any other procedure adopted by the Town Council for the abatement of public nuisances, or which may be authorized by federal or state law or any provision of the Municipal Code, and not intended to be an exclusive remedy for any violation of this Chapter.

C. Nothing contained in this section shall be construed as requiring the Town to enforce the vegetation management standards of the Town of Corte Madera against any and all properties that may be in violation of those standards. The manner and method by which this section is enforced rests entirely at the Town's prosecutorial discretion. Nothing in this section shall be construed as imposing a duty on the Town, or on Town officers, agents or employees.

Section 202 [C] of Chapter 2 is hereby amended by adding the definition of 'Coverings' as follows:

Coverings shall mean materials including, but not limited to gypsum board, paneling, floor boards, lathe and plaster, wood paneling, brick and mortar, or other materials attached to rough framing of the building elements. 'Coverings' do not include carpet, linoleum, tile, wall paper, or other decorative finishes.

Section 202-[F] of Chapter 2 is hereby amended by adding the definition of 'Fire Road' as follows:

Fire Road. See section 502.1.

Section 202-[J] of Chapter 2 is hereby amended by adding the definition of 'Junior Second Unit' as follows:

Junior Accessory Dwelling Unit: A type of accessory dwelling unit that is accessory to and included within a legal primary dwelling on the same site. A junior accessory dwelling unit provides independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, and cooking. Cooking and food preparation facilities shall be limited to an efficiency kitchen as provided for in the local zoning ordinance. Sanitation facilities may be independently provided for the junior accessory dwelling unit or may be shared with occupants of the primary dwelling provided interior access is available; see Town of Corte Madera zoning ordinances.

Section 202-[M] of Chapter 2 is hereby amended by removing and replacing the definition of ‘Membrane Structure’ to shall read as follows:

Membrane Structure. An air-inflated, air-supported, cable or frame-covered structure as defined by the *California Building Code* and not otherwise defined as a tent or umbrella structure. See Chapter 31 of the *California Building Code*.

Section 202 [S] of Chapter 2 is hereby amended by adding the definition of ‘second unit’, ‘spark arrestor’ and ‘substantial remodel’ as follows:

Second Unit shall mean an attached or detached additional dwelling unit which provides complete independent living facilities, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation and is located on the same lot as the primary unit.

Spark Arrestor shall mean a chimney device constructed in a skillful-like manner. The net free area of a spark arrestor shall not be less than four times the net free area of the outlet of the chimney. The spark arrestor screen shall have heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge stainless steel. Opening shall not permit the passage of spheres having a diameter larger than 1/2 inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.

Substantial Remodel shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent of the existing floor area of the structure within any 24 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

Section 202 [T] of Chapter 2 is hereby amended by adding and/or amending the definition of ‘Temporary’ and ‘Tent’:

Temporary shall mean any use for a period of less than 90 days, where not otherwise referenced.

Tent shall mean a structure, enclosure, umbrella structure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

Section 202 [U] of Chapter 2 is hereby amended by adding the definition of ‘Umbrella Structure’

Umbrella Structure A structure, enclosure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by a central pole. (See “Membrane Structure” and “Tent”)

Section 302.1 is amended by adding the definition of ‘Public Storage Facility’ as follows:

Public Storage Facility shall mean any business that sells, leases or rents space to the public that is enclosed, whether it is a building, storage container or similar configuration.

Section 320 is hereby added to Chapter 3 and shall read as follows:

Section 320 Public Storage Facilities

Section 320.1 **General.** Public Storage Facilities shall comply with the provisions of this section.

Section 320.2 **Location on Property and Fire Resistance of Exterior.** All public storage facilities shall meet the minimum requirements for setback from property lines or fire resistive construction as set forth in Table 602 of the Building Code for Group S, Division 1 occupancies.

Section 320.3 **Fire Apparatus Access.** All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.

Section 320.4 **Storage of Flammable and Combustible Liquids and Hazardous Materials.** The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Such facilities shall post legible and durable sign(s) to indicate same in a manner and location(s) as specified by the Fire Code Official. This section shall apply to new and existing public storage facilities.

Exception: Only those quantities of flammable and combustible liquids necessary for maintenance of the facility may be stored by the facility management per Chapter 57 of this code.

Section 401.1.1 is hereby added to Chapter 4 and shall read as follows:

Section 401.1.1 **Hazardous Occupancies.** In occupancies of a hazardous nature, where access for fire apparatus is unduly difficult, or where special life and fire safety hazards exist as determined by standards of the Corte Madera Fire Department, that facility or business management shall be required to develop and implement an Emergency Response Plan, provide for an on-site Emergency Response Team, Emergency Liaison Officer, staff training and fire drills in accordance with Sections 405 and 406 and standards developed by the Corte Madera Fire Department.

Section 401.3.2.1 is hereby added to Chapter 4 and shall read as follows:

Section 401.3.2.1 **Unwarranted Alarm Notification.** Notification of emergency responders based on an unwarranted alarm may be punishable by a fine in accordance with the adopted fee schedule. In addition, the responsible party may be liable for the operational and administrative costs, incurred from the emergency response or mitigation procedures resulting from an unwarranted alarm notification.

Section 402.1 of Chapter 4 is hereby amended by adding the definition of ‘Pre-plans’ and ‘Unwarranted Alarm’ as follows:

Pre-Plans shall mean detailed plans of target hazard buildings. These pre-plans include information on the building's location, occupancy, hazards, fire department connections and hydrants, building layout, and other pertinent data that would assist the fire department in case of an emergency.

Unwarranted Alarm shall mean the giving, signaling or transition of an alarm notification to a public fire station or emergency communication center when such alarm is the result of a defective condition of an alarm system, system servicing testing, construction activities, ordinary household activities, false alarm or other cause when no such danger exists.

Section 403.1.1 is hereby added to Chapter 4 and shall read as follows:

Section 403.1.1 **Pre-Plans:** When required by the fire code official, pre-plans shall be developed for target hazard buildings according to the written standards developed by the authority having jurisdiction.

Section 403.10.1.4 is hereby added to Chapter 4 and shall read as follows:

Emergency Preparedness for Hotels, Lodging and Congregate Houses. Hotels, lodging and congregate houses shall provide guests with immediate access to a telephone to report emergencies. The exit diagram shall indicate the location of the nearest telephone and instructions to dial 911.

Section 501.5 of Chapter 5 is hereby amended by adding a sentence to read as follows:

Failure to comply with this section upon written or verbal notice from the Fire Code Official shall result in a Fire Department order to cease operations and desist further operations until such time as adequate access and/or water for fire protection is provided.

Section 502.1 of Chapter 5 is hereby amended by adding a definition of ‘Fire Road’ as follows:

Fire Road shall mean those improved or unimproved roads, public or private, that provide access for firefighting equipment and personnel to undeveloped areas.

Section 503.1.4 of Chapter 5 is hereby amended by adding a paragraph thereto to read as follows:

Section 503.1.4 **Fire Roads.** Fire Roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the jurisdiction so as to gain access to improved, unimproved, and undeveloped areas of the jurisdiction, in a manner approved by the Fire Code Official. Any vehicle or other obstructions may be towed away at the owner's expense.

Section 503.1.5 of Chapter 5 is amended by adding a sentence thereto as follows:

Section 503.1.5 **Truck Company Access.** For buildings 3 or more stories or greater than 30 feet (10670mm) in height, approved access roads for ladder truck operations shall be provided within the necessary operational distances as specified by the Fire Code Official.

Section 503.2.6.1. is hereby added to Chapter 5 and shall read as follows:

Section 503.2.6.1 **Load Testing.** Bridges, piers and wharfs used for fire apparatus access shall be load tested to the original designed capacity when required by the Fire Code Official.

Section 503.4 of Chapter 5 is amended by adding a sentence thereto to read as follows:

Any vehicle or other obstruction may be towed away at the owner's expense.

Section 503.4.2 is hereby added to read as follows:

503.4.2 **Prohibition on Vehicular Parking on Private Access ways.** If, in the judgment of the Fire Code Official or its designee, it is necessary to prohibit vehicular parking along private access ways serving existing facilities, buildings, or portions of buildings in order to keep them clear and unobstructed for fire apparatus access, the Fire Code Official or its designee may issue an Order to the owner, lessee or other person in charge of the premises to paint the curbs red or install signs or other appropriate notices to the effect that parking is prohibited by Order of the Fire Department. It shall thereafter be unlawful for such owner, lessee or other person in charge of the premises to fail to install, maintain in good condition, the form of notice so prescribed. When such areas are marked or signed as provided herein, no person shall park a vehicle adjacent to any such curb or in the private access way contrary to such markings or signs. Any vehicle so parked in the private access way may be towed away at the expense of the owner of the vehicle.

Section 503.6.1 is hereby added to Chapter 5 and shall read as follows:

503.6.1 **Width.** All gates shall open fully to provide an unobstructed passage width of not less than 16 feet or a minimum of two feet wider than the approved net clear opening of the required all weather roadway or driveway and a minimum net vertical clearance of 13 feet 6 inches.

Section 503.6.2 is hereby added to Chapter 5 and shall read as follows:

Section 503.6.2 **Electronic Gates.** All electronic operated gates shall have installed an approved key switch override system mounted on a stanchion or wall as approved by the Fire Code Official in accordance with Standards adopted by the Fire Code Official. All electronic or motorized gates shall incorporate in their design the means for fast, effective manual operation of the gates in the event of power or mechanical failure (i.e., easily removable hinge pins for separating power linkage from gates; undercut, weakened or frangible members requiring 40 pounds or less pressure against the gates to cause their failure and the gates to open. All electrical wiring and components of motorized gates shall be UL listed and installed in accordance with the National Electric Code.

Section 506.1 of Chapter 5 is hereby amended to read as follows:

Section 506.1 **Key Entry Systems.** When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes or in commercial structures that have an automatic fire sprinkler or fire alarm system installed, the Fire Code Official is authorized to require a key entry system to be installed in an approved location. The key entry system shall be of an approved type listed in accordance with UL1037, and if it is a box shall contain keys necessary to gain access as required by the Fire Code Official.

Section 507.5.1 is hereby amended to read as follows and to delete the Exception stated within that section:

Section 507.5.1 **Where Required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 350 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Code Official.

Section 507.5.1.2 is hereby added to Chapter 5 and shall read as follows:

Section 507.5.1.2 **Hydrant for Sprinkler Systems.** Buildings equipped with a sprinkler system installed in accordance with Section 903 shall have a fire hydrant within 100 feet (30 m) of the fire department connections.

Exception: the distance shall be permitted to exceed 100 feet (30 m) where approved by the Fire Code Official.

Section 507.5.7 is hereby added to Chapter 5 and shall read as follows:

Section 507.5.7 Fire Hydrant Upgrades. When additions or modifications to structures are made, the nearest fire hydrant (if a new one is not required) located by the Fire Code Official or their designee, shall be upgraded to the minimum standard of one 4 1/2" outlet and one 2 1/2" outlet for single family dwellings and the minimum standard of one 4 1/2" outlet and two 2 1/2" outlets for commercial structures.

Exception: If the cost of upgrading the fire hydrant exceeds 2% of the cost of the project based on the building permit valuation.

Section 605.11 is hereby added and/or amended to Chapter 6 and shall read as follows:

605.11 Solar Photovoltaic Power Systems. Solar photovoltaic power systems shall be installed in accordance with 605.11.1 through 605.11.5, the California Building Code or California Residential Code (whichever may be applicable), and California Electrical Code.

605.11.3 Required conduit. All wiring that may contain electrical potential when the alternate service disconnect has been activated, (such as the wiring between the solar arrays and the DC electrical disconnect on a photovoltaic system) shall be completely contained in metal conduit on all buildings.

605.11.4 Disconnect. The electrical service disconnect for the alternative power supply shall be located within eight feet from the P. G. & E. electrical service disconnect on the same or an adjacent exterior wall. The disconnect shall be accessible to emergency personnel from the exterior without the use of ladders or other special equipment.

Exception: Micro-inverter or similar technology for solar equipment that de-energizes the system at the roof panels upon loss of A/C reference leaving no energized electrical potential inside the structure when the main breaker is tripped.

605.11.5 Warning Sign. The following wording shall be placed on a permanent sign attached at the main electrical disconnect from P.G. & E. The sign shall be red background with white letters or a white background with red letters. Minimum size 2-1/2" X 6" with a minimum 22pt. font. Minimum size example below.

WARNING:
This building supplied with a PHOTOVOLTAIC power source. The disconnect is: (Describe location - on the right, below etc. of this main disconnect. Both must be used.)

Section 706 of Chapter 7 is hereby added to read as follows:

706 – Roofing Materials.

706.1 All roofing materials shall be in accordance with section 705

706.2 New Roofs. All newly installed roofs and additions to existing roofs are to be of non-combustible or minimum “Class A” listed construction.

706.3 Existing Roofs. When alterations or repairs to existing roofs exceed 50% of the total roof area in any twenty-four (24) month period, the entire roof shall be replaced with non-combustible or minimum “Class A” listed construction.

Section 901.7 of Chapter 9 is hereby amended by adding the following sentence:

This section shall also apply to residential fire sprinkler systems.

Section 903.2 Of Chapter 9 is hereby amended to read as follows:

Section 903.2 **Where Required.** All Occupancies and Facilities, including manufactured homes, mobile homes, and multifamily manufactured homes with 2 or more dwelling units in accordance with Title 25 of the California Code of Regulations. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

Exceptions:

a. Free standing Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.

b. Agricultural buildings as defined in Appendix C of the Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height, and located within an Agricultural zoned district as defined in Title 18 (Zoning) of the Corte Madera Municipal Code.

2. In newly created second units.

Exception: **Junior Accessory Dwelling Unit**

3. In all buildings which have more than fifty per cent (50%) floor area added or any “substantial remodel” as defined in this code, within any 24-month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.

4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. which have more than ten per cent (10%) floor area added within any 24-month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.

5. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building.

Section 903.3 of Chapter 9 is hereby amended by adding the following thereto:

The requirements for fire sprinklers in this code section are not meant to disallow the provisions for area increase, height increase, or Fire-Resistive substitution if otherwise allowed by sections 504 and 506 of the Building Code. All automatic fire sprinkler systems shall be installed in accordance with the written standards of the Fire Code Official and the following:

a. In all residential buildings required to be sprinkled any attached garages shall also be sprinkled, and except for single family dwellings, in all residential occupancies the attics shall be sprinkled.

b. In all existing buildings, where fire sprinklers are required by provisions of this code, they shall be extended into all unprotected areas of the building in accordance with standards developed by the Fire Code Official.

- c. All single family dwellings in excess of 5,000 square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R.
- d. All public storage facilities shall have installed an approved automatic fire sprinkler system. An approved wire mesh or other approved physical barrier shall be installed 18 inches below the sprinkler head deflector to prevent storage from being placed to within 18 inches from the bottom of the deflector measured at a horizontal plane.

Section 904.12 is amended to read as follows:

Section 904.12 Commercial cooking systems. Commercial cooking equipment that produces grease laden vapors shall be provided with a Type I Hood, in accordance with the California Mechanical Code, NFPA 96, and an automatic fire extinguishing system that is listed and labeled for its intended use as follows:

1. Wet chemical extinguishing system, complying with UL 300.
2. Carbon dioxide extinguishing system.
3. Automatic fire sprinkler systems.

All existing dry chemical and wet chemical extinguishing systems shall comply with UL 300.

Exception: Public school kitchens, without deep-fat fryers, shall be upgraded to a UL 300 compliant system during state-funded modernization projects that are under the jurisdiction of the Division of the State Architect.

All systems shall be installed in accordance with the California Mechanical Code, NFPA 96, appropriate adopted standards, their listing and the manufacturers' installation instructions.

Exception: Factory-built commercial cooking recirculating systems that are tested, listed, labeled and installed in accordance with UL 710B and the California Mechanical Code and NFPA 96.

Section 906.11 is hereby added to Chapter 9 and shall read as follows:

Section 906.11 Fire Extinguisher Documentation. The owner and/or operator of every Group R Division 1 and R Division 2 occupancies shall annually provide the Fire Code Official written documentation that fire extinguishers are installed and have been serviced as required by Title 19 of the California Code of Regulations when such extinguishers are installed in residential units in lieu of common areas.

Section 907.2.11 of Chapter 9 is hereby amended by changing the first sentence of the exception to read as follows:

EXCEPTION: For group R occupancies other than single family dwellings.

Section 907.8.5.1 of Chapter 9 is hereby amended by adding Section 907.8.5.1 to read as follows:

Section 907.8.5.1 **Smoke Alarm Documentation.** The owner and/or operator of every Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies shall annually provide the Fire Code Official with written documentation that the smoke alarms installed pursuant to the most recently enacted version of the California Building Code have been tested and are operational. If alarms are found to be inoperable or are missing, such alarms shall be repaired or replaced immediately.

Section 916 of Chapter 9 is added to read as follows:

916 GAS SHUT-OFF DEVICES

916.1 General.

916.1.1 Definition. For the purposes of this section certain terms shall be defined as follows:

"Downstream of gas utility meter" refers to all customer-owned gas piping, or in liquid petroleum gas installations said term shall refer to the gas piping on the structure side of the gas regulator.

"Excess flow gas shut-off device" means those valves or devices that are not actuated by motion but are activated by significant gas leaks or over-pressure surges, which can occur when pipes rupture inside the structure. The design of the device provides a proven method to automatically provide for expedient and safe gas shut-off in an emergency. The design of the device shall provide a capability for ease of consumer or owner resetting in a safe manner.

"Seismic gas shut-off device" means a system consisting of a seismic sensing device and actuating device designed to actuate automatically a companion gas shut off means installed in a gas piping system in order to shut off the gas downstream of the location of the gas shut-off device in the event of a severe seismic disturbance. The system may consist of separable components or may incorporate all functions in a single body.

"Upstream of gas utility meter" refers to all gas piping installed by the utility up to and including the meter and the utility's bypass tee at the connection to the customer-owned piping.

"Gas shut-off device" as used in this section, refers to either a seismic gas shut-off device or excess flow gas shut-off device.

"Substantial Remodel" shall mean the renovation of any structure that, combined with any additions to the structure, affects a floor area that exceeds fifty percent of the existing floor area of the structure. When any structural changes are made in the building, such as

walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

916.2 General.

916.2.1 Devices: When Required.

Approved gas shut-off devices shall be installed:

1. In every newly constructed building and facility.
2. In newly created second units.
3. In all buildings that have more than fifty percent (50%) floor area added or any “substantial remodel,” as defined in this ordinance, within any twenty-four (24) month period.
4. In all buildings, except R-3 occupancies, in excess of 3,000 sq. ft., that have more than ten percent (10%) floor area added within any twenty-four (24) month period.
5. Whenever any new gas piping is installed.

Exceptions:

- A. Gas shut-off devices installed on a building prior to the effective date of this ordinance are exempt from the requirements of this section, provided they remain installed on the building or structure and are maintained for the life of the building or structure.
- B. Gas shut-off devices installed on a gas distribution system owned or operated by a public utility shall not be subject to the requirements of this chapter (Health & Safety Code Section 19201(b)).

916.2.1 Devices: Location Required.

1. Seismic gas shut-off devices shall be installed downstream of the gas utility meter on each fuel gas line where the gas line serves a building; and/or
2. Excess flow gas shut-off devices shall be installed downstream of the gas utility meter on each fuel gas line where the gas line serves a building and at each gas appliance within a building.

916.3 General Requirements.

Gas shut-off devices installed either in compliance with this ordinance or voluntarily, with a permit issued on or after the effective date of this ordinance, shall comply with all of the following requirements:

1. Be installed in accordance with the manufacturer's instructions
2. In the case of seismic gas shut-off devices (motion sensitive) only, such devices must be mounted rigidly to the exterior of the building or structure containing the fuel gas piping. This requirement need not apply if the device (motion sensitive) has been tested and listed for an alternate method of installation
3. Seismic gas shut-off devices shall be certified by the State Architect and be listed by an approved listing and testing agency such as IAS, IAPMO, UL, or the Office of the State Architect
4. Have a thirty (30) year warranty that warrants that the valve or device is free from defects and will continue to properly operate for thirty (30) years from the date of installation
5. Where gas shut-off devices are installed voluntarily, or as required by this section, they shall be maintained for the life of the building or structure or be replaced with a valve or device complying with the requirements of this section.

916.4 List of Approved Valves and Devices.

The Town's Fire Department shall maintain a list of all gas shut-off devices that meet or exceed the requirements of devices certified by the Office of the State Architect for installation in the State of California and that comply with the standards and criteria set forth in Health and Safety Code Section 19180 et seq., including quality and design regulation for earthquake actuated automatic gas shut-off systems (See 24 Cal. Code Regs. Ch. 12-16-1).

Section 1103.1 is hereby amended to read as follows:

Section 1103.1 **Required Construction.** Existing buildings shall comply with not less than the minimum provisions specified in Table 1103.1 and as further enumerated in Sections 1103.2, 1103.6, 1103.7, 1103.8 through 1103.8.5.3, 1103.9, and 1103.10.

The provisions of this chapter shall not be constructed to allow the elimination of fire protection systems or a reduction in the level of fire safety provided in buildings constructed in accordance with previously adopted codes.

Exceptions:

1. Where a change in fire-resistance rating has been approved in accordance with Section 803.6 of the *California Existing Building Code*.
2. Group U occupancies.

Sections 1103.2 Item #1 is deleted.

Sections 1103.3 through 1103.5.4 are deleted.

Sections 1104 and 1105 are deleted.

Section 3101.1 is hereby amended to read as follows:

Section 3101.1 **Scope.** Tents, umbrella structures, temporary stage canopies and membrane structures shall comply with this chapter. The provisions of Section 3103 are applicable only to temporary tents, umbrella structures, and membrane structures. The provisions of Section 3104 are applicable to temporary and permanent tents, umbrella structures, and membrane structures. Other temporary structures shall comply with the most recently enacted version of the California Building Code.

These building standards govern the use of tents, umbrella structures, awnings or other fabric enclosures, including membrane (air-supported and air-inflated) structures and places of assemblage, in or under which 10 or more persons may gather for any lawful purpose.

Exceptions:

1. Tents, umbrella structures, awnings or other fabric enclosures used to cover or enclose private swimming pools and similar facilities on the premises of private one- and two-family dwellings.
2. Tents used to conduct committal services on the grounds of a cemetery.
3. Tents, umbrella structures, awnings or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure which is equipped with an overhead automatic sprinkler system.
4. Tensioned membrane roof materials supported by ridged frames or installed on a mast and cable system provided such structures conform to the requirements of one of the types of construction as described in these regulations.
5. Fabric structures which are part of mobile homes, recreational vehicles, or commercial coaches governed by the provisions of Division 13, Part 2, Health and Safety Code (Department of Housing and Community Development).

Section 4906.2 item 2 of Chapter 49 is amended to read as follows:

2. Land designated as a Wildland-Urban Interface Area by the local enforcing agency to be at a significant risk from wildfires and lands designated as Very-High Fire Hazard Severity Zones by cities and other local agencies.

Section 4907.1 of Chapter 49 is amended to read as follows:

Section 4907.1 **General.** Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code Section 4290 and “SRA Fire Safe Regulations” California Code of Regulations, Title 14 Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Wildland-Urban Interface Area as designated by the local enforcing agency to be at a significant risk from wildfires and Very-High Fire Hazard Severity Zones of a local responsibility area (LRA) shall maintain defensible space as outlined in Government Code 51175-51189, and any local ordinance or standard published by the Fire Code Official.

Section 4907.2 is hereby added to Chapter 49 and shall read as follows:

Section 4907.2 **Fire Hazard Reduction.** Any person who owns, leases, controls or maintains any building or structure, and/or lands within specific Wildland Urban Interface areas of the jurisdiction, shall comply with the following: Cut and remove all pyrophytic combustible vegetation within 30 feet of structures, up to 150 feet when topographic or combustible vegetative types necessitate removal as determined by the Fire Code Official. Remove piles of accumulated dead vegetation on the property. Cut and remove tree limbs that overhang wood decks and roofs. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe. Clean any leaves and needles from roof and gutters. Cut and remove growth less than 3-inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree’s total height. (Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2015 International Wildland-Urban Interface Code, as amended by the Town of Corte Madera.

EXCEPTION 1: When approved by the Fire Code Official, single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

EXCEPTION 2: When approved by the Fire Code Official, grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize soil, and prevent erosion.

Section 5601.1.3 is amended to read as follows:

Section 5601.1.3 **Fireworks**

Exception: 1, 2, and 4 are hereby deleted.

California Fire Code, Appendix B Table B105.1(1) is amended to read as follows:

TABLE B105.1(1)
REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

FIRE-FLOW CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
0-3,600	No automatic sprinkler system	1,500	2
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at The required fire-flow rate
0-3,600	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	1,500	2
3,601 and greater	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	½ value in Table B105.1(2) ^a	Duration in Table B105.1(2) at The required fire-flow rate

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

California Fire Code, Appendix B Table B105.2 is amended to read as follows:

TABLE B105.2
REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

Section A104.7.2 of Appendix A of the International Wildland-Urban Interface Code is amended to read as follows:

Section A104.7.2 **Permits.** The Fire Code Official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the Fire Code Official.

Section A104.11 is hereby added to Appendix A of the International Wildland-Urban Interface Code and shall read as follows:

Section A104.11 – **Tracer Bullets, Tracer Charges, Rockets and Model Aircraft.** Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across hazardous fire areas. Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause a fire shall not be fired or projected into or across hazardous fire areas.

~~Section A104.12 is hereby added to Appendix A of the International Wildland-Urban Interface Code and shall read as follows:~~

~~Section A104.12 **Explosives and Blasting.** Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within hazardous fire areas except by permit from the Fire Code Official.~~

Section A104.12 is hereby added to Appendix A of the International Wildland-Urban Interface Code and shall read as follows:

Section 104.12 **APAIRIES.** Lighted or smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas except by permit from the Fire Code Official.

The following table provides code sections that have been modified pursuant to this Ordinance, due to local climatic, geological and topographical reasons.

CA Fire Code Section Number Local followed by corresponding climatic, geological and topographical condition findings as set forth above:

202(s)	1e, 2a, 2b, 2d, 2e, 2f
302.1	2b, 2d, 2e, 2g
320.1	2b, 2d, 2e, 2g
320.2	2b, 2d, 2e, 2g
320.3	2b, 2d, 2e, 2g
320.4	2b, 2d, 2e, 2g
901.7	1a, 1b, 1e, 2a, 2b, 2d, 2e, 2g
903.2	1a, 1b, 1e, 2a, 2b, 2d, 2e, 2g

903.3 1a, 1b, 1e, 2a, 2b, 2d, 2e, 2g
907.2.11 1a, 1b, 1e, 2a, 2b, 2d, 2e, 2g

15.02.120 FINDINGS

To the extent that any of the provisions of this Ordinance constitute changes or modifications in the requirements contained in Health and Safety Code Section 17922, the Corte Madera Town Council does hereby find that such changes and modifications are reasonably necessary because of local conditions prevailing within the Town of Corte Madera. A description of said local conditions is hereinafter set forth.

CLIMATIC. The weather patterns within the Town of Corte Madera are considered to be moderately affected by the Pacific Ocean and the San Francisco Bay, which extends the year-round growing season of vegetation. The normal year's rainfall is approximately 28 inches, while the summer condition, with its prevalent Pacific high cell, creates the morning and late afternoon fog normally associated with the San Francisco Bay.

While normal temperatures usually do not exceed 75-80 degrees during the summer months, little or no rain falls during the period between April and November. This combination often creates hazardous fuel conditions in the town. Drying winds in the summer and fall months reduce fuel moisture and relative humidity to the minimum levels, thereby creating ideal fire weather conditions. The normal afternoon winds that precede the fog can move a fire quickly in the hillside and open space areas of the town.

Because of climatic conditions, the County of Marin has experienced water rationing in recent years, including a mandatory 35 percent reduction in 1989. Water shortages can be expected in future years due to limited storage capacities in Marin, increased domestic consumption and weather patterns that reduce the already minimal annual rainfall. While sound management of the water resources is possible, actual demands on an already stressed water supply can most assuredly be predicted.

GEOLOGIC. The Town of Corte Madera is geologically mixed with three classifications of rock: igneous, metamorphic and sedimentary. The outstanding material is volcanic in origin with ridges of serpentine reaching in excess of 700 feet in elevation.

Much of the town is characterized by precipitous hilly areas where escape opportunities from residential structures are limited to one side of the home only. The steepness and uneven nature of the land often hinders, and sometimes prevents, the erecting of rescue ladders at the side of a home on a hillside parcel.

Seismic activity within the town occurs yearly with little or no damage, although a real potential does exist with the town situated between two active faults: the San Andreas and Hayward faults.

Landslides have also been experienced in the town in recent years. While stabilization of hillsides can sometimes be achieved, heavy rainfalls have caused failures. These slides can close roadways, making accessibility to many locations in the town impossible until properly cleared.

TOPOGRAPHIC. The town is accessible from the outside by one primary thoroughfare on the east side and three on the west side. Speed limits of 25 miles per hour, by virtue of the narrow and twisting configuration of the roads, do not allow quick responses to emergencies. The Highway 101 corridor goes directly through the town and an overpass that may or may not withstand an earthquake presents another problem.

Vehicular access within the town is affected by steep, hilly terrain and many secondary ridgelines. Many streets are narrow and winding, restricting the speed at which fire apparatus may safely respond and also increasing the time lapse between fire detection and apparatus arrival, during which time a family will face the fire or other emergency on their own. The town has many dead-end streets, and on Christmas Tree Hill, there is one main access route in or out of the area. Dead-end streets can restrict the ease of relocating fire and rescue equipment from one location to another, even though actual separating distance between two areas may be minimal. In addition to restricting access routes for fire apparatus, the dead-end streets also limit egress opportunities for residents.

Many of the commercial buildings in Corte Madera were largely built long before present code requirements existed. Consequently, many of these structures do not meet even minimal standards for fire protection and life safety. Wood frame construction of older buildings, especially those in mountainous areas, creates an adverse exposure problem, not only in being easily ignited by an adjacent structure fire, but also in contributing to the extension of fire to other buildings through radiation, actual physical heat conduction and flying embers. Fire history in the town has shown flying embers will start secondary fires after blowing in the air.

Throughout the town, there are areas in which there are no water mains constructed at all. Meadow Valley has no water main supply, other than domestic, and there is minimal water supply along Casa Buena Drive, fronting the auto dealerships and the other major commercial establishments.

The buildings on Christmas Tree Hill, many of which were constructed 50 or more years ago, are serviced by minimal water main sizes. The lack of adequate water supply in this area, along with winding streets, creates a unique fire problem. The generalized water shortage in Marin County results in occasional inadequate water volume and pressure for firefighting purposes in certain areas of the town.

15.02.130 APPEALS

Whenever the Fire Code Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Code Official to the Town Council in writing, within 30 days from the date of the decision appealed. The Town Council shall render decisions and findings in writing to the Fire Code Official, with a duplicate copy to the appellant.

15.02.140 PENALTIES

(a) Any person who violates any of the provisions of the California Fire Code, as adopted and amended herein, or any other section, subsection, or provision of this chapter, or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Fire Code Official, or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$1,000.00 or by imprisonment for not more than 180 days or by both such fine and imprisonment. The prosecuting authority may, however, in its discretion charge or reduce any violation to an infraction punishable as stated by Government Code Section 36900(c). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

15.02.150 FORMER ORDINANCES

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the Code hereby adopted are hereby repealed.

15.02.160 VALIDITY

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty or liability on the part of the town, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT The Town Council finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Title 14, Chapter 3 California Code of Regulations, Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The ordinance adopts standard codes in effect pursuant to state law and sets requirements for compliance. The adoption of this ordinance does not entitle new development or any changes to

the physical environment.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The Town Council of the Town of Corte Madera hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional on their face or as applied.

SECTION 4. Posting. The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent journal within 5 days prior to passage and within 15 days after passage.

SECTION 5. Effective Date. This ordinance shall become effective 3 days after the date of adoption or on January 1, 2017, whichever is later.

This ordinance was introduced on the 1st day of November, 2016; and adopted on the 15th day of November, 2016, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

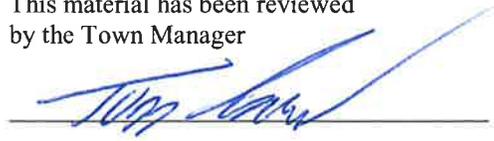
ABSENT: Councilmembers:

Sloan C. Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

This material has been reviewed
by the Town Manager



CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: October 26, 2016
Meeting Date: November 1, 2016

TO: TOWN MANAGER, MAYOR AND TOWN COUNCIL

FROM: MARIO FIORENTINI, DIRECTOR OF RECREATION AND LEISURE SERVICES

SUBJECT: APPROVE \$15,000 FUND REALLOCATION FROM THE PIXLEY LAGOON RESTORATION PROJECT TO THE SKATE PARK IMPROVEMENT PROJECT AND PROVIDE DIRECTION TO STAFF REGARDING A POSSIBLE SUPPLEMENTAL APPROPRIATION FOR THE SKATE PARK IMPROVEMENTS.

* * * * *

RECOMMENDATION:

BY MOTION, APPROVE A \$15,000 REALLOCATION OF FUNDS FROM THE PIXLEY LAGOON RESTORATION PROJECT TO THE SKATE PARK IMPROVEMENT PROJECT AND PROVIDE DIRECTION TO STAFF REGARDING A POSSIBLE SUPPLEMENTAL APPROPRIATION FOR SKATE PARK IMPROVEMENTS

OPTIONS:

1. Approve the reallocation of funds and provide direction to staff regarding a supplemental appropriation for the skate park improvements.
2. Take no action at the time and request staff to bring back information or other alternatives to address the recommendations presented in this report.

TOWN MANAGER'S RECOMMENDATION:

Supports staff's recommendation.

BACKGROUND AND DISCUSSION:

The 2015-16 adopted Capital Projects Budget appropriated \$15,000 from the Marin Parks Measure A Funds for the Pixley Lagoon Restoration Project. This amount was to supplement a \$135,000 donation from the Beautification Committee for improvements at the Lagoon. Last summer the Town Manager received an email (attached) from Glenda Corning, a representative of the Beautification Committee, stating that the Committee was not going to move forward with the project and advised the Town to reallocate the funds.

The 2015-16 Budget also appropriated \$25,000 for the replacement of some of the ramps at the Town's Skate Park. However, since the budget was approved, additional concerns about the skate park caused staff to reevaluate the project and to investigate the need to replace all of the ramps.

Staff worked with the American Ramp Company to develop some options for designs to present to the Parks and Recreation Commission. This company was chosen because staff felt that they provided a superior product and one that was consistent with the ramps we currently have. At the September Commission meeting it was recommended that we include the local youth in the design process and get feedback from them on the designs. Staff, along with American Ramp Company, put together a Skate Ramp Workshop that was held on October 15th in Council Chambers. We had a great turnout and had approximately 15 local youths attend to give input. American Ramp Company had one of their designers guide the local skaters through the process and had the skaters rank the different types of features the park could have.

It should be noted that during the workshop skaters expressed interest in making the skate park footprint larger and interest in changing the style of the skate park from surface mounted ramps to a concrete style ramp. Staff did express that although anything is possible, expanding the size of park that we have would require many more steps as well as a much larger budget.

Feedback from the workshop was reviewed and further adjustments were made to the designs. Based on the first workshop and the amenities the local skaters wanted, and based on the footprint we have available, it has been determined that the cost for the new ramps would be approximately \$115,000. Staff expects to hold a webinar design workshop in the near future to fine tune the design based on feedback from the first workshop. At the webinar, the budget associated with the project will be discussed with the skaters. This will allow them to see what different features are possible within the budget that may be approved..

Staff feels that the skate park is a unique facility and would like to see it utilized by our local youth as much as possible. Having limited programming for the middle schoolers in Corte Madera, we feel this facility fills a real need. We are fortunate to have it and would support it being upgraded. The response we received from the local skaters through the process indicates that they will continue to be good stewards of the skate park.

Staff is proposing the reallocation of funds (\$15,000) from the Pixley Lagoon Project to the Skate Park Improvements Project. This would increase the project budget from \$25,000 to \$40,000. In addition, staff is recommending that the Town Council direct staff to continue to refine the additional amount needed for all of the desired improvements, and to come back to the Town Council with a request for a supplemental appropriation in that amount. Based on the information that has been gathered to date, it is expected that we would need a supplemental appropriation of \$70,000 to complete the project. Staff will recommend that the supplemental appropriation be taken from the Parks and Recreation Capital Fees Fund (this is part of the General Fund which is earmarked for Parks and Recreation purposes), which had a fund balance of \$934,000 as of June 2016.

ATTACHMENTS:

- 1. Email from Glenda Corning**
- 2. Conceptual plans for the Skate Park improvements**

ATTACHMENT 1

CORRESPONDENCE FROM GLENDA CORNING



Corte Madera Beautification Committee

Post Office Box 340 – Corte Madera CA 94976
e-mail: OktoberfestCM@comcast.net

11 February 2016

Corte Madera Town Manager
300 Tamalpais Dr.
Corte Madera, CA 94925

Dear Mr. Bracken,

It is with regret that the Corte Madera Beautification Committee has decided not to continue the Pixley Lagoon project. It has morphed into something quite different from what we originally envisioned. The Beautification Committee is happy to share the plans, formulated in over a year of study, with the Town.

Sincerely,

A handwritten signature in black ink that reads "Glenda Corning".

Glenda Corning
Secretary, CMBC

A handwritten signature in black ink that reads "Spring Krager".

Spring Krager
President, CMBC

Contributions made to the Beautification Committee through the Corte Madera Community Foundation are tax-deductible by donors to the full extent allowed by federal law.

CM Community Foundation ID#68-0349076
www.cortemaderacomunityfoundation.org
www.oktoberfestcortemadera.org

ATTACHMENT 2

Conceptual Plans for Skate Park Improvements



CORTE MADERA SKATEPARK #6305

CORTE MADERA, CA



20 YEAR WARRANTY

FASTENER FREE RIDING SURFACE



MAXGRIP™ POLYESTER POWDERCOAT 3/16" STEEL RIDING SURFACE

WWW.AMERICANRAMPCOMPANY.COM



CORTE MADERA SKATEPARK #6255

CORTE MADERA, CA



20 YEAR WARRANTY

FASTENER FREE RIDING SURFACE



MAXGRIP™ POLYESTER POWDERCOAT 3/16" STEEL RIDING SURFACE

WWW.AMERICANRAMPCOMPANY.COM



CORTE MADERA SKATEPARK #6311

CORTE MADERA, CA



20 YEAR WARRANTY

FASTENER FREE RIDING SURFACE



MAXGRIP™ POLYESTER POWDERCOAT 3/16" STEEL RIDING SURFACE

WWW.AMERICANRAMPCOMPANY.COM

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 THE BOARD OF SANITARY DISTRICT NO. 2, A SUBSIDIARY
DISTRICT TO THE TOWN OF CORTE MADERA**

**TOWN HALL COUNCIL CHAMBERS
300 TAMALPAIS DRIVE**

**NOVEMBER 15, 2016
7:00 P.M.**

7:00 PM CLOSED SESSION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Gravel overflow parking lot on Redwood Highway (north of Nordstrom at The Village at Corte Madera) APN 024-032-19

Agency negotiator: David Bracken

Negotiating parties: Macerich (Giancarlo Filartiga and Cecily Barclay)

Under negotiation: Whether, and under what price and terms, the property could potentially be leased to the Village at Corte Madera

7:30 PM OPEN SESSION:

- 1. CALL TO ORDER, SALUTE TO THE FLAG, ROLL CALL**
- 2. 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.

- 3. PRESENTATIONS:**
- 4. COUNCIL AND TOWN MANAGER REPORTS**
 - Town Manager Report
 - 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 Resolutions and Ordinances by Title Only.
(Standard procedural action – no backup information provided)
- 5.II Consideration of Approval of the Final Map for 1421 Casa Buena Drive “Enclave Townhomes” Project
(Report from David Keane, Engineering Consultant)
- 5.III Receive and File Investment Transactions Monthly Report
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.IV 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)

6. PUBLIC HEARINGS:

- 6.I Public Hearing and Possible Action to Adopt Ordinance No. 959 Repealing, Reenacting, and Adding Various Chapters in Title 15 of the Municipal Code, Adopting the 2016 California Building Standards Code
(Report from Brian Fenty, Building Official)
- 6.II Public Hearing and Possible Action to Adopt Ordinance No. 960 Repealing and Reenacting Chapter 15.02 of the Municipal Code, Adopting the 2016 California Fire Code and Appendix A of the International Wildland-Urban Interface Code with Local Amendments
(Report from Scott Shurtz, Interim Director of Emergency Services)
- 6.III Consideration and Possible Introduction of a Zoning Ordinance Amendment Amending the Existing Second Unit Ordinance (Section 18.31) Consistent With Recently Adopted State Laws (AB 1069 and SB 2299) and Making Findings That the Proposed Ordinance Amendment is Exempt From CEQA Pursuant to CEQA Guidelines Section 15061(b)(3) Since It Can Be Seen With Certainty That There is No Possibility that the Activity in Question May Have a Significant Effect On the Environment.
(Report from Adam Wolff, Director of Planning and Building)
- 6.IV Consideration and Possible Introduction of a Zoning Ordinance Amendment Amending Section 18.31 by Adding Section 18.31.100 Related to Junior Accessory Dwelling Units Consistent With Recently Adopted State Law (AB 2406) and Making Findings that the Proposed Ordinance Amendment is Within the Scope of the Program EIR for the 2009 General Plan, Certified by the Town Council on April 21, 2009, and that No Subsequent EIR or Negative Declaration is Required.
(Report from Adam Wolff, Director of Planning and Building)

7. BUSINESS ITEMS:

- 7.I Review of Draft December 6 Town Council Agenda
- 7.II Approval of Minutes of November 1 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 MINUTES OF OCTOBER 18, 2016
2
3 REGULAR MEETING
4 OF THE
5 CORTE MADERA TOWN COUNCIL
6 AND THE BOARD OF SANITARY DISTRICT NO. 2,
7 A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA
8
9

10 Mayor Bailey called the Regular Meeting to order at Town Hall Council Chambers, 300
11 Tamalpais Drive, Corte Madera, CA on October 18, 2016 at 7:31 p.m.
12

13 **1. ROLL CALL**

14
15 Councilmembers Present: Mayor Bailey, Vice Mayor Furst and Councilmembers Andrews,
16 Condon and Lappert
17

18 Staff Present: Town Manager Todd Cusimano
19 Town Attorney Randy Riddle
20 Director of Planning and Building Adam Wolff
21 Senior Civil Engineer Nisha Patel
22 Associate Civil Engineer Kelly Crowe
23 Director of Parks and Leisure Services Mario Fiorentini
24 Recreation Supervisor Brian Hernandez
25 Assistant Superintendent of Public Works Michael Palmer
26 Town Clerk/Assistant to the Town Manager Rebecca Vaughn
27

28 **SALUTE TO THE FLAG:** Mayor Bailey led in the Pledge of Allegiance.
29

30 Councilmember Condon reported that last night Beth Benz passed away. She said Ms. Benz
31 had been an icon in the Corte Madera community. She was a Little League mom, active in
32 the Beautification Committee, began the Town's Oktoberfest, had been the Director of the
33 Chamber of Commerce and assisted the new CEO with organizing the 4th of July Parade, and
34 served on staff as Deputy Town Clerk.
35

36 Whenever the Town had a celebratory event, Ms. Benz coordinated it. She also assisted
37 with the Volunteer Appreciation Dinners and was known for her baked beans and
38 meatballs. She asked the Town Clerk to post information on her funeral services to the
39 Town's website and said she will be sorely missed.
40

41 **2. OPEN TIME FOR PUBLIC DISCUSSION** - None
42

43 **3. PRESENTATIONS** - None
44

1 **4. COUNCIL AND TOWN MANAGER REPORTS**

2
3 - Town Manager Report, including Fire Shared Services Update

4
5 Mr. Cusimano gave the following report:

- 6
7 • The Town also lost a member of its police community three days ago; Tony Hoke.
8 Mr. Hoke was a long-time resident of San Rafael and Captain with the Twin Cities
9 Police Authority for two decades.
- 10 • He thanked Vice Mayor Furst, Councilmember Andrews and Director of Planning
11 Adam Wolff for offering comments on Plan Bay Area 2040 Draft Preferred Scenario.
- 12 • He recognized Senior Civil Engineer Nisha Patel who assisted him with the following
13 large projects regarding the Caltrans Drainage Improvement Plan of Highway 101:
- 14 ○ Caltrans will add 5 drainage inlets and an asphalt berm along the west side of
15 Highway 101 from the on-ramp at Casa Buena and 600 feet south to prevent
16 storm drainage to flow to residential properties at 1421 and 1425 Casa
17 Buena Drive. The project is \$1.5 million and work will begin the first week of
18 November, will require closure of one southbound lane on Highway 101 for
19 approximately 3 weeks, and a CHP officer will be present on site.
- 20 ○ In the spring/summer timeframe, Caltrans will start work on the Alto Tunnel.
21 He met last week with County and Town officials and visited the site. The
22 County contractor will be boring to perform a structural and geotechnical
23 investigation of the tunnel. These will be performed to obtain information to
24 create a more accurate cost estimate and potential re-opening of the tunnel
25 for the bicycle and pedestrian path. The 4 borings are at the top of the tunnel
26 located at the intersection of Chapman at Corte Madera Avenue and Camino
27 Alto. They will not bore through the physical streets but off to the side which
28 will take approximately 2 days. The County also plans to conduct public
29 education on the boring work and the Town and Council will be fully
30 involved with the County on the project.
- 31 • Fire Shared Services Update:
- 32 • He reported on positive results on the transition MOU and work with the
33 labor groups. He is meeting with the Larkspur City Manager tomorrow and
34 plans to meet with the labor group on Monday. They hope to be underway
35 with an MOU document by the end of the year. If this occurs he will be
36 returning on November 1st to begin Ad-Hoc Committee meetings with
37 Councilmembers.
- 38 • A concern in labor negotiations related to Fire Prevention. He met with
39 Kenny Prete today who is now working a 4/10 schedule. They have reviewed
40 the work schedule for the community and he is confident this work can be
41 done under the new schedule.

42
43 - Director of Planning and Building Report – Update on Junior Second Units

1
2 Mr. Wolff gave the following report:
3

- 4 • Last Thursday evening the Planning Commission held a public meeting to
5 discuss accessory dwelling units, junior accessory dwelling units and
6 implications of recently adopted State law. Direction was given to return to
7 the Planning Commission next Tuesday with a draft ordinance amendment
8 proposal. Staff is tentatively considering November 15th as a date to bring the
9 item to the Town Council.

10
11 - Council Reports
12

13 Councilmember Lappert had no report.
14

15 Vice Mayor Furst gave the following report:
16

- 17 • The Metropolitan Transportation Commission (MTC) has updated their vital
18 signs website (www.vitalsigns.com) where information can be obtained
19 about the 9-county Bay Area.
- 20 • The Central Marin Sanitation Agency (CMSA) undertook an IT security
21 assessment by Project which specializes in water and sanitary districts due
22 to ransomware attacks against government agencies which are becoming
23 more prevalent.

24
25 Councilmember Andrews had no report.
26

27 Councilmember Condon gave the following report:
28

- 29 • She attended a recent LAFCO meeting and the Director is going through municipal
30 service reviews. Wastewater services are being evaluated for 6 of the special
31 districts which include Sanitary District No. 2. More information will be available at
32 the next LAFCO meeting and the draft is expected to be completed in early spring.
- 33 • She was contacted by the League of California Cities asking if she would serve as
34 Vice Chair for the Housing Community and Economic Development Policy
35 Committee. Because she wants to keep her focus in Corte Madera she declined, but
36 said she was honored to have been considered.
- 37 • Age-Friendly Corte Madera was recognized by the World Health Organization
38 (WHO) for its efforts to fight ageism. As background, WHO had asked for projects
39 that age-friendly cities were undertaking. Corte Madera provided its submission and
40 photographs and was recognized for their recent event hosted for residents over the
41 age of 90 and 100.

42
43 Mayor Bailey gave the following report:
44

- 1 • He gave a brief presentation to the Corte Madera Women’s Club last week. The club
- 2 members are smart and engaging and he learned that they have been active before
- 3 the Town was founded.
- 4 • He attended an event at Marin Search and Rescue this week and complimented their
- 5 excellent training program.
- 6

7 **5. CONSENT CALENDAR**

8
9 5.I. Waive Further Reading and Authorize Introduction and/or Adoption of
10 Resolutions and Ordinances by Title Only.
11 (Standard procedural action – no backup information provided)

12
13 5.II A Request for a Determination of Public Convenience or Necessity for Off-
14 Sale of Beer and Wine at Andy’s Local Market – 195 Tamal Vista Boulevard
15 (Report from Phil Boyle, Senior Planner)

16
17 5.III Approval of Amendments to Adopted Town Budget FY 2015-2016
18 (Carryovers to FY 2016-2017)

19
20 And

21
22 Approval of Amendments to Adopted Town Budget FY 2016-2017
23 (Carryovers From FY 2015-2016)

24
25 (Report from George T. Warman, Jr., Director of Administrative
26 Services/Town Treasurer)

27
28 5.IV Approve Warrants and Payroll for the Period 09/29/16 through 10/13/16:
29 Warrant Check Numbers 214609 through 214755, Payroll Check Numbers
30 5321 through 5328, Payroll Direct Deposit Numbers 30580 through 30661,
31 Payroll Wire Transfer Numbers 2070 through 2073, and Wire Transfer of
32 11/01/16.

33 (Report from George T. Warman, Jr., Director of Administrative
34 Services/Town Treasurer)

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 approve the Town Consent Calendar Items 5.I, 5.II, 5.III and 5.IV

41
42 **6. PUBLIC HEARINGS - None**

43

1 **7. BUSINESS ITEMS**

2
3 Convene Sanitary District No. 2 Board of Directors

4
5 MOTION: Moved by Furst, seconded by Lappert, and approved unanimously by the
6 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
7 None.

8
9 To convene the Sanitary District No. 2 Board of Directors

10
11 **7.I SANITARY DISTRICT ITEM:**

12
13 7.I.i. Consideration and Possible Action to Adopt Resolution No. 3/2016
14 Approving Amendment No. 1 to the Payment Agreement for Treatment
15 Services by and Among Central Marin Sanitation Agency, San Rafael
16 Sanitation Agency, Sanitary District No. 1 of Marin County, Sanitary District
17 No. 2 of Marin County, and City of Larkspur; and Approving a Memorandum
18 of Understanding Setting the Future JPA Agencies' Debt Service Payment
19 Allocations

20 (Report from Nisha Patel, Senior Civil Engineer)

21
22 Senior Civil Engineer Nisha Patel stated in 2006 the Central Marin Sanitation Agency
23 (CMSA) issued revenue bonds to fund wet weather improvements to their treatment plant.
24 Sanitary District No. 2 and the other member agencies executed a payment agreement
25 under which the agencies agreed to provide CMSA funds for CMSA to make debt service
26 payments to the bond trustee.

27
28 The agreement stipulated that the member agencies' payment allocation would be based
29 on their annual equivalent dwelling units (EDU) counts. This methodology has been used
30 historically for treatment service cost allocation and worked very well for many years until
31 one member agency changed the way in which they calculated EDUs which de-stabilized
32 things.

33
34 The managers of the member agencies produced a stabilization plan in which they took an
35 average of the EDU counts over the service life of the bonds and fixed it at the rate for the
36 duration of the bonds. The term of the bonds is until FY 2030.

37
38 Ms. Patel explained that the other CMSA member agency boards have all approved the
39 provided amendment to the agreement which allows for the allocation method to be
40 changed through an MOU. They have also approved the provided MOU which fixes the
41 allocation rate.

42
43 Sanitary District No. 2's average EDU count is 6,090 which is 11.7% of the total EDU counts,

1 which equals to approximately \$580,000 for an annual debt service payment for the
2 District. She stated Mr. Jason Dow was present to explain the history of the debt issuance
3 and answer any questions.

4
5 JASON DOW, General Manager, CMSA, complimented Ms. Patel for providing a
6 comprehensive overview of the matter and said he was available for questions.

7
8 Boardmember Andrews questioned the amount that Sanitary District No. 2's contribution
9 was going up or down.

10
11 Mr. Dow said if both documents are approved, it will set the allocation of the debt service
12 for the remaining 16 years on the bonds unless all agencies agree to change the allocation
13 method in the future by adopting another MOU. He was not sure how Sanitary District No.
14 2 for FY 2018 would be applied and how it will be adjusted, and deferred to Ms. Patel.

15
16 Vice President Furst commented that the amount was identified on page 3 of the staff
17 report. Ms. Patel clarified further that the amount is around what the Town paid this fiscal
18 year, which is \$575,000 and the new amount will be \$580,000. In previous years it has
19 been \$670,000, \$684,000 and \$530,000.

20
21 Mr. Dow added that in 2015 CMSA the revenue bonds which saved approximately 2% in
22 interest for the life of the bonds which had a resulting savings of debt service and coverage
23 of about \$900,000 per year. This is why there was a decrease in the contribution from
24 \$684,000 to \$530,000. Also, the groups of bond documents from now until 2031 have
25 different maturities and interest rates. The total amount of debt service fluctuates a bit
26 each year, but the allocations from each agency will stay fixed.

27
28 Vice President Furst referred to page 3 of the staff report and stated it addresses the
29 historic percentage that is allocated to Sanitary District No. 2. For this FY it was 11.61%.
30 Page 2 of 2 in the MOU indicates that Sanitary District No. 2 is allocated at 11.7%. Again, it
31 will adjust a bit, but the District is going from 11.61% to 11.7% or barely an increase.

32
33 President Bailey opened the public comment period, and there were no speakers.

34
35 President Bailey stated the staff report indicates that the other members that were asked to
36 approve the MOU have done so. He questioned why the Larkspur City Council is being
37 asked to "acknowledge them".

38
39 Mr. Dow explained that the City of Larkspur is a member of the JPA; however, in 1993 a
40 portion of the City of Larkspur was not provided service by the Ross Valley Sanitary
41 District because they had their own enterprise district in the downtown. Their Public
42 Works Department provided wastewater collection services for that part of Larkspur.

43

1 Larkspur has remained a member of the JPA and has representation on the CMSA Board,
2 but when the debt service was issued in 2006, bond counsel indicated that funds are
3 collected for Larkspur through Ross Valley via an assessment fee on the property tax rolls,
4 and Larkspur simply is required to acknowledge all of the bond documents. Larkspur
5 additionally had to acknowledge the action when the revenue bonds were refinanced.
6

7 Vice President Furst asked if the State Department of Corrections needed to sign off on the
8 matter as well, given San Quentin's EDUs. Mr. Dow said San Quentin is not a member of the
9 JPA, but CMSA does have a multi-year wastewater contract for providing services to the
10 state prison. They built into that contract an EDU count of 4005 and a fee. When a new
11 contract is drafted that same EDU count will be included so it does not affect allocations
12 between the actual collection agencies.
13

14 Town Attorney Riddle clarified that two actions are required to be taken tonight. One is
15 approving the resolution and the second is approving the MOU document.
16

17 Boardmember Condon asked Mr. Dow for the purpose of Larkspur remaining in the JPA.
18

19 Mr. Dow said Larkspur has been a member since 1979 and has retained their membership.
20 The JPA does have provision for withdrawal and the CMSA Board would have to vote for a
21 withdrawal.
22

23 MOTION: Moved by Furst, seconded by Lappert, and approved unanimously by the
24 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
25 None.
26

27 To Adopt Resolution No. 3/2016 Approving Amendment No. 1 to the
28 Payment Agreement for Treatment Services by and Among Central Marin
29 Sanitation Agency, San Rafael Sanitation Agency, Sanitary District No. 1 of
30 Marin County, Sanitary District No. 2 of Marin County, and City of Larkspur
31

32 MOTION: Moved by Furst, seconded by Condon, and approved unanimously by the
33 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
34 None.
35

36 To approve a Memorandum of Understanding Setting the Future JPA
37 Agencies' Debt Service Payment Allocations
38

39 Reconvene the Town of Corte Madera Town Council
40

41 MOTION: Moved by Furst, seconded by Condon, and approved unanimously by the
42 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
43 None.

1
2 To reconvene the Town of Corte Madera Town Council

3
4 7.II *TOWN ITEMS:*

5
6 7.II.i Continuation of Consideration, Discussion, and Possible Action
7 Regarding an Amendment to Resolution 2214, "No Parking" Areas
8 Located on the 900, 1000, and 1100 Blocks of Meadowsweet Drive
9 (Report from Kelly Crowe, Associate Civil Engineer)

10
11 Associate Civil Engineer Kelly Crowe stated this is a continuation of the discussion
12 regarding parking on Meadowsweet Drive and the modification to Resolution 2214 which
13 regulates parking along the 900, 1000, and 1100 blocks of Meadowsweet Drive.

14
15 At the September 20th Town Council meeting staff recommended modifying the language in
16 Resolution 2214 which was adopted in 1984. There was somewhat of a dispute which
17 caused staff to look into the language and subsequently propose its recommendation at
18 that time for the language to be changed to account for parking and shoulders greater than
19 8 feet in width and marked stalls.

20
21 Public comment suggested that the marked stalls concept was somewhat limiting and that
22 the opportunity for additional parking could be made. Subsequently, the Town Council
23 directed staff to look into alternatives and find a way to accommodate additional parking.

24
25 Staff reviewed other options and has identified an alternate that mimics other uses in town
26 and staff would like to take these examples and use them with the Meadowsweet Drive
27 example. He provided slides which illustrate current concepts. Examples are from Corte
28 Madera Avenue and from Sausalito Street.

29
30 Mr. Crowe stated the concept moving from the marked stalls is that the Town would like to
31 continue the centerline south of Hawthorne and add the white edge line stripes. As
32 presented, the Corte Madera example provides flexibility for vehicles to park off of the
33 traveled way and safely park in the space. There would not be a finite marked stall, and this
34 would allow flexibility for different ranges of sizes of vehicles.

35
36 Mr. Crowe presented the next slide showing a continuation of Corte Madera Avenue on a
37 shoulder area where the driver safely parked to the right of the edge line. This is an
38 example staff would like to extrapolate on Meadowsweet Drive. Again, this would preserve
39 the 2, 10-foot lanes staff recommended.

40
41 He presented the next slide showing a narrower Sausalito Street of about 24 feet curb to
42 curb with lane widths of only about 8 ½ feet and 7 feet of parking. On the left side of the
43 picture is red curb similar to Meadowsweet Drive. On the right side is the ability to park.

1 Where bicycle traffic is more prevalent the wider 10 foot minimum lanes are
2 recommended.

3
4 He then presented another photo from Oakdale Avenue going down towards Tamalpais
5 Avenue.

6
7 Mr. Crowe then presented a photo in front of 978 and 990 Meadowsweet Drive, stating
8 everything here would remain the same, except the Town would add a 4" white edge line at
9 10 feet offset from the centerline. Parking would be allowed to the right of the edge line. In
10 the case of 978 Meadowsweet Drive, two cars would most likely fit in front of the fence and
11 if garbage cans were moved a smaller car or motorcycle could also fit in that space.

12
13 He then presented a slide showing the area around 1030 Meadowsweet which shows that
14 the width curb to curb is not wide enough to allow parking. However, the Town would
15 continue the centerline where there is none currently and this would provide delineation.
16 This provides 12 feet on each side for travel way. Extending the white edge line and the
17 picture illustrates an area available for parking and it is within the Town's right-of-way.
18 Depending on how cars orient themselves there could be further benefit and additional
19 parking based on efficiency of actual parking orientation.

20
21 He then presented a slide showing the front of 1044 Meadowsweet Drive, noting that at the
22 previous meeting there was discussion on this. Staff's recommendation identified one
23 parking spot. With this situation, staff was trying to allow flexibility and allow the ability
24 for smaller cars to come in and use the space as well. In this case, they would continue the
25 centerline and put the edge line at 10 feet from the centerline, give 2, 10-foot travel lanes
26 and an additional pocket for parking.

27
28 Mr. Crowe then presented a slide showing a similar concept of 2, 10-foot lanes, a white
29 edge line, and the existing condition is such that a car is parked off to the side. The area is
30 flat, and one could feasibly park partially on the embankment and fit within the edge line.
31 Here, there is space for an additional 2 cars and more with smaller vehicles. He noted that
32 this is a great candidate for someone to come to the Town for an improvement for a small,
33 2 foot wall that could create additional space. Additionally, if improvements were made
34 along Meadowsweet Drive, staff could program that into the improvements as well.

35
36 In conclusion, Mr. Crowe said he thinks the revision based on comments from the last
37 meeting provide for far more flexibility in parking and additional opportunities to park
38 based upon a vehicle's size, type, and it is less restrictive than what was presented before.

39
40 Councilmember Andrews asked if police would be able to enforce parking if someone
41 crossed the white line.

42
43 Town Manager Cusimano said staff's proposal would solve the enforcement problem.

1
2 Mr. Crowe clarified that the language in the resolution would state, “no parking within 10
3 feet of the centerline stripe along the 900, 1000, and 1100 block of Meadowsweet. Drive.”

4
5 Mayor Bailey opened the public comment period.

6
7 Public Comments:

8
9 FLORA MERRIGAN, 1025 Meadowsweet Drive, asked if it would be okay if someone could
10 park with their tire up on her property over the curb as long as their tires were within the
11 white lines, as she has family and children which gather at her house and currently there is
12 nowhere to park.

13
14 JANE LEVINSOHN, Tamal Vista, discussed and voiced safety concerns based on her
15 experiences driving in heavy rainfall traveling down Sir Francis Drake Boulevard to her
16 home in Corte Madera. She said there is nothing dividing the opposing traffic, stated drivers
17 shine their high beams and it is difficult to travel the area. She recommended double-lining
18 and installing reflectors on the center line because otherwise an accident will occur.

19
20 DR. SILVIA MILLS, 1033 Meadowsweet Drive, said she has lived on this street for 18 years
21 and there has never been parking problems on the street without centerlines. She
22 explained that the homeowner with the property below allows weeds to grow out 5 feet
23 into the road. The police do nothing about it and they are cut back once a year in July and
24 suggested they be removed when they grow out into the area.

25
26 She referred to another slide and said she had to shovel dirt up the slope or remove it
27 entirely which was a hazard. She thinks people on the street cope well without the expense
28 of installing lines and curbs and said she walks around the town and there are many
29 narrow streets without this on either side. She suggested the Town examine its budget and
30 reconsider the proposal, given the fact that it costs money to repaint them, shovel dirt and
31 kill weeds.

32
33 RENE POWER, 1037 Meadowsweet Drive, said she finds the lines arbitrary and stressed
34 that all neighbors currently make parking work. There are many bicyclists that often
35 surprise her and she said she finds that the red curb striping limits her driveway access
36 where there is room off to the side next to her mailbox as well as limits the ability for her
37 family to visit and park every now and then.

38
39 She then referred to the space across from 1037 Meadowsweet Drive and said neighbors
40 were made to understand that this was private property and not City property and asked
41 that this be cleared up.

42
43 JAMES BARBICK, 1015 Meadowsweet Drive, said he has lived at his home for 60 years and

1 has some children and grandchildren still living in his home who all have cars. His neighbor
2 allows him a parking space and he feels that centerlines and red curbs are not needed
3 because parking has always worked. It is a historic street with redwood trees, presented a
4 picture he took of the south end of the street showing his car parked with a lot of room. He
5 noted that the car dealership allows drivers to race down the street when testing out
6 vehicles and if lines are installed the situation will not work. He agrees with putting dotted
7 lines in the center and suggested lights on the street because it is extremely dark.

8
9 Mayor Bailey closed the public comment period and he asked staff to briefly explain the
10 original intent of the exercise.

11
12 Mr. Crowe said at the previous meeting the recommendation was to add more parking
13 stalls because there is nothing delineating allowed parking. Staff's first attempt was to
14 delineate where parking could occur and a further step was to separate the traveled way
15 and separate cars and bicyclists from where parking and where cars can be.

16
17 The red striping came about because it goes back to the resolution from 1984 and the 'no
18 parking' areas which established what is and what is not allowed for parking. Signage was
19 the predominant method for alerting people they could not park in certain areas. Over
20 time, people took down signage and to counter this, the only other option was to paint
21 areas of the curbs red.

22
23 The 28-foot roadway width established 'no parking' areas which means the entire length
24 would be red curb, and this is what staff was trying to fix. The action relates to fixing the
25 resolution as it stands today and removing the language about the 28-foot level roadway
26 width.

27
28 Councilmember Lappert noted that the Town's roads on this side are very narrow and he
29 did not think there was an issue. He asked if it was because of the type of street
30 Meadowsweet Drive was.

31
32 Mr. Crowe explained that Meadowsweet Drive is a collector street and a two-lane road.
33 Therefore, the road has prescribed widths recommended by the Federal Highway
34 Administration. The Town and the County do not have standards for actual roadway
35 widths for Corte Madera and the County follows the Federal Highway Administration for
36 determining what allowable widths are, and this is what staff has drawn on.

37
38 He agreed that north and south of Hawthorne Drive are two very different roads, but said
39 Meadowsweet Drive is still a minor collector and two-lane street, and this is what staff was
40 trying to correct.

41
42 Councilmember Lappert commented that this is a 'recommended' practice'. If the Town
43 does not follow the practice and a bicyclist gets killed because the Town did not maintain

1 the roadway width, he asked if the Town could be liable.

2
3 Town Attorney Riddle said he thinks it would increase the risk for liability if there are
4 standards the Town was not following.

5
6 Vice Mayor Furst asked if there was any flexibility in the designation of that particular
7 roadway as a collector street.

8
9 Mr. Crowe said the most appropriate classification was a minor collector because it collects
10 the trips from Meadowcrest, Lupine and Hawthorne.

11
12 Vice Mayor Furst asked if it would change in terms of the classification south of Hawthorne.

13
14 Mr. Crowe said he could review this and see if that could be changed but overall, the
15 distinction is that trips could be generated from anywhere and it would involve much more
16 analysis to determine that.

17
18 Councilmember Condon asked for the amount of road width required for emergency
19 vehicles.

20
21 Mr. Crowe replied that for Christmas Tree Hill, it is 12-foot minimum clear width. At the
22 last Council meeting, Chief Shurtz mentioned that in an extreme case 10 feet would be the
23 bare minimum, but 12 feet was the recognized standard.

24
25 Councilmember Andrews asked what would happen if the road were made a one-way
26 street where people could park on both sides.

27
28 Mr. Crowe replied this would involve a much bigger discussion and analysis. It would be a
29 question of who is furthest from Town, who stands to benefit and lose, and there would be
30 many people who may be greatly disadvantaged by a one-way street and some greatly
31 advantaged by it. He therefore did not think it was the most equitable solution. He added
32 that Meadowsweet Drive has a 60-foot right-of-way so there could be some future
33 expansion at a later date, but this would also come at a much greater cost.

34
35 Mayor Bailey asked whether areas proposed to be painted red have never been allowed for
36 parking and that staff was simply clarifying what those areas were now.

37
38 Mr. Crowe said the action does not add red curbs. If anything it removes these areas. The
39 only red striped area proposed for removal would be at 978 Meadowsweet Drive.

40
41 Mayor Bailey asked why the Town was red-stripping areas, as his understanding was that it
42 was important or useful to stripe those areas because it shows the areas people were not
43 ever supposed to be parking. When signs were posted they were discarded, and Mr. Crowe

1 confirmed this was correct.

2

3 Mayor Bailey asked if there was a requirement to remove or pull back vegetation that
4 grows onto the public right-of-way.

5

6 Town Manager Cusimano stated yes; and he will ask Public Works Director Kramer to
7 review this and evaluate it in the area just before 1033 Meadowsweet Drive.

8

9 Mr. Crowe added that the maintenance of vegetation is the responsibility of property
10 owners per Municipal Code Chapter 12.40.

11

12 Mr. Cusimano clarified that staff will evaluate the area and if there is a violation the Town
13 will make contact with the property owner.

14

15 Mayor Bailey allowed for additional public comments of previous speakers.

16

17 DR. MILLS, 1033 Meadowsweet Drive, referred to the turn from Meadowsweet Drive at the
18 bottom of the hill and stated bicyclists ride through there and routinely cut the corner. She
19 has been behind bicyclists that have been going 25 mph down the hill and it is
20 extraordinarily dangerous. Towards the car dealership there is a stop sign and a sign that
21 directs them to stay on the one side and not cut the corner.

22

23 FLORA MERRIGAN, 1025 Meadowsweet Drive, stated there have never been any parking
24 issues. One person brought the matter to the Town's attention and that person never
25 attends meetings. She did not think the painted red curbs were always there and it was
26 never enforced until the neighbor complained.

27

28 Mayor Bailey asked if the Town was not changing something but simply making clear
29 something that should have always been that way, and Mr. Crowe confirmed.

30

31 JAMES BARBICK stated a neighbor painted the red stripes around Christmas time on both
32 sides of the streets and this was not according to what was adopted in the ordinance. The
33 street was 20 feet and he said he has the audio recording of this from the time the
34 resolution was adopted. He suggested eliminating the street as a collector and leaving
35 things the way they are.

36

37 Councilmember Lappert voiced his support for the white stripe and having one or two
38 signs that say parking only on the side of the street where there is a white stripe. He drives
39 the street and the red curb striping makes the street look terrible. He suggested removing
40 the red curb striping and installing signage. If someone disobeys that law, the police can
41 enforce the situation.

42

43 Councilmember Condon said the one suggestion also made was installing reflectors going

1 down the center of the road which she felt would make a tremendous difference.

2
3 Vice Mayor Furst said she was still grappling with the concept of this street being a minor
4 collector street. She knows of other roads in town that could be considered as minor
5 collectors but those roads do not have the white center or yellow lines such as Madera
6 Gardens, Lakeside, Mariner Cove, Marin Estates, and many of the neighborhoods on the
7 east side of town.

8
9 She therefore wondered if staff could determine if there is a way to be a bit more flexible in
10 the 2, 10 foot lanes. She thinks about what exists on Christmas Tree Hill and Mariner Cove
11 where there are no center lines and there is not 20 feet when cars are parked, but people
12 make it work. She was not ready to make a final decision and questioned whether the
13 matter should be continued.

14
15 Councilmember Andrews said as someone who lives by Hickory and Birch, he was used to
16 living on streets where everybody gets along. He was also concerned that the areas
17 between Casa Buena and Meadowsweet are turning into freeway feeders and questioned
18 whether the Town could modify this. If the Town does anything, he thinks painting the
19 centerline was the least bad option and questioned whether or not this was a solution, and
20 whether the Town should continue letting people 'work things out.'

21
22 Councilmember Lappert restated his desire to remove the red curbs and install the white
23 centerline.

24
25 Councilmember Condon agreed with Councilmember Lappert, stating the white line was
26 necessary for safety reasons.

27
28 Vice Mayor Furst stated she could understand the necessity for white lines in the area
29 where Councilmember Condon lives; however, she was struggling with this because she
30 knows there are many bicyclists on Meadowsweet Drive and the white line is useful for
31 them to know where the side of the roadway is.

32
33 Mayor Bailey stated he was apprehensive about removing the red curbs if the Town was
34 violating a Federal Highway Administration law.

35
36 Councilmember Lappert said if someone is parked such that they impede traffic on the
37 street when parking to the right of the white line, they can be ticketed and this will not take
38 long for the situation to self-correct.

39
40 Mr. Crowe said it sounds as if the centerline south of Hawthorne Drive was contentious.
41 Staff's thought in extending the centerline because it exists north of Hawthorne Drive was
42 because it provides a tool for measurement for enforcement to understand. The centerline
43 stripe does not need to be added, as it was more of a gauge. Staff's recommendation was

1 based on the enforcement mechanism and knowing where the centerline of the road is.

2
3 He therefore recommended signs that state ‘no parking within 10 feet of the center of any
4 road’; however, this was more subjective. The red striping could be removed and signs
5 could be placed at either ends.

6
7 Councilmember Lappert made a motion to install signs that state: “No parking within 10
8 feet of the center of any road” and to remove red striping and replaced with signs at either
9 ends of the road.

10
11 Mr. Riddle said in terms of the motion made, this would not alter how the resolution
12 currently states because it will still be 10 feet.

13
14 Mr. Crowe suggested the revised language in the resolution read, “No parking within 10
15 feet of the center of the roadway along 900, 1000, and 1100 of Meadowsweet Drive”
16 ~~centerline stripe.~~”

17
18 Councilmember Condon added that when a road is repaved the center of the roadway
19 would be slurry sealed over the markings.

20
21 Councilmember Lappert stated the Town could restripe it each time the road is repaved.

22
23 MOTION: Moved by Furst, seconded by Condon, and approved unanimously by the
24 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
25 None).

26
27 To adopt Resolution 36/2016 with the following changes: Amend Section
28 23.96 to read, “Within 10 feet of the center of roadway along the 900, 1000,
29 and 1100 blocks of Meadowsweet Drive”; further direct staff to install a
30 centerline stripe of white lines 10 feet off of center; to direct staff to sign ‘no
31 parking’ areas, let the red curbs die their natural deaths, and to defer to the
32 Public Works Department on the paint but that it should be of high quality,
33 and to install reflectors at the discretion of Public Works

34
35 Mayor Bailey asked Mr. Crowe and Mr. Cusimano to confer on this and to re-agendize the
36 matter if they find they need to return it once revisions are made. Mr. Cusimano stated they
37 may need to because of the added costs of improvements.

38
39 **BREAK**

40 Mayor Bailey called for a break at 9:00 p.m. and thereafter reconvened the meeting at 9:05
41 p.m.

42
43 7.II.ii Second Reading and Possible Action to Adopt a Zoning Ordinance

1 Creating a New Mixed-Use Zoning District MX-1 and Rezoning Seven
2 Properties Along the East Side of Tamal Vista Boulevard Between
3 Madera Boulevard and Wornum Drive from C-3 and Public/Semi
4 Public Facilities to MX-1.

5 (Report from Adam Wolff, Director of Planning and Building)
6

7 Director of Planning and Building Adam Wolff stated this is the second reading for
8 Ordinance 958 presented at the last Council meeting relating to the Tamal Vista Corridor
9 and the new MX-1 District in Chapter 13 of the zoning ordinance. As noted in the staff
10 report, he added a couple of revisions he wanted to point out.

11
12 The first was to make it clear that although it was on page 16 of the last staff report under a
13 section entitled, "Additional Staff Recommendations" those have now been included in a
14 redlined version in the revised ordinance in the packet in Exhibit A to Attachment 1.

15
16 Secondly, in the findings section of the resolution he has added a couple of additional
17 findings related to General Plan consistency to more fully capture the ways in which the
18 ordinance is consistent with the General Plan and to make findings related to approving
19 residential densities at less than the maximum allowed by the General Plan pursuant to
20 General Plan policy LU2.1.

21
22 Mayor Bailey opened the public comment period, and there were no speakers.

23
24 Councilmember Condon said since the last meeting she has been very concerned about the
25 decision the Council made. She feels it necessary to bring up a few things she hopes the
26 Council will understand and to try and persuade the Council to reconsider. The Council
27 voted and there still many unknowns.

28
29 The Council does not know the change in traffic patterns will be once the WinCup project
30 opens, does not know what parking issues there will be on surrounding streets, they do not
31 know what the assigned RHNA numbers will be and the Town is again relying on the Tamal
32 Vista Corridor just like relying on the WinCup project to satisfy RHNA numbers which is the
33 same thing that happened with the WinCup project. Additionally, once occupied, she
34 questioned whether the WinCup project will improve the vitality of the existing businesses.

35
36 From a business standpoint, she understands the more people there are the more that
37 patron businesses, but this does not guarantee the success of the businesses. In looking at
38 Book Passage, it is not a neighborhood store but a regional resource people come to.

39
40 What the Council knows already but did not review it at the last meeting was once
41 residential zoning is applied to these parcels, they cannot be downzoned. Also, the studies
42 that have been brought before the Council say the reports justified the proposed zoning.
43 However, she personally feels that rather than depending upon a consultant's report of

1 something that does not exist yet that the Council simply wait a few months until the
2 WinCup project of 180 units is occupied and see if there are any impacts. She also pointed
3 out that those units are all zoned to attend The Cove School, which means crossing the
4 freeway and traveling to the bay side of Corte Madera.

5
6 Additionally, it was asked how much a study would cost if the matter were deferred and it
7 was estimated to be \$100,000. She would challenge this because the studies have already
8 been done gauging on what the Town expects to see once WinCup is occupied. She did not
9 see why the Town would need to spend this much money to redefine mixed use as
10 commercial, but extract residential from that particular category.

11
12 Also known, while she did not attend the workshops, for months residents have lined up to
13 talk about the Tamal Vista Corridor development, voiced concerns about parking, and there
14 are thousands of signatures were presented to save the theater. Granted, the theater was
15 sold but had the Council at the beginning of the process been more diligent, they may have
16 been able to save a perfect location for an intergenerational center. There is not one
17 building where people can go to for classes young and old.

18
19 Mayor Bailey said he understands there may be a better use for what the Council expects
20 might end up happening with what is the theater parcel, but he asked how this relates to
21 why the Council should not approve the rezoning.

22
23 Councilmember Condon stated what she is concerned about are the parcels that come
24 under this mixed use. For example, if the owner of Scandinavian Designs decides he got the
25 land for a good price, but the concept he has in mind does not pencil out and he will resell
26 it, there will be multiple acres open for high density housing. If the DMV decides they will
27 operate out of their Novato office, this parcel also has the potential for development of high
28 density housing.

29
30 She said she simply was asking that the Council reconsider, be proactive and hold off. If
31 they extract residential from the definition of mixed use on Tamal Vista it buys the Council
32 some time to see what they wanted to see--the result from the occupancy at the WinCup
33 development on the corridor, as this was the driving force for the moratorium.

34
35 Councilmember Andrews said he agrees with Councilmember Condon. In responding to the
36 MTC Plan Bay Area 2040, he learned that in terms of creating the maps with at least mixed
37 use, they will be going through the Town's General Plan and Housing Element and
38 assigning possible residential units based on the maximum allowed under the mixed use
39 zoning. They are doing the same thing in calculating jobs.

40
41 He said since there is a very high likelihood they will use this initial projection forecast as a
42 basis for RHNA in the next cycle, he questioned why the Town was overstating what they
43 intend to put in in terms of housing on the Tamal Vista Corridor because the zoning

1 ordinance states 15.1 units unless it is senior housing at which point it can go up to 20
2 units per acre, yet in the General Plan, there are 25 units.

3
4 In the entire corridor, this effect is 263 housing units and with the maximum density bonus,
5 it goes up to 358 units. If they went with 25 housing units per acre, this is 432 units and
6 with a density bonus, it would be 586 units. This is what MTC will use to project the
7 Town's RHNA allocation. Therefore, if the Council is surprised in a few years when they
8 receive a high RHNA number, it may be because they have not gone through their General
9 Plan and Housing Element to reduce what they believe would be reasonable development.

10
11 In 2009 when the General Plan was updated, the Town forgot to add C-3 zoning in one of its
12 main commercial areas, so he thinks they should do it right and the Town is not. What the
13 Council adopted with its General Plan does not match the zoning ordinance they are
14 currently proposing to vote on.

15
16 Vice Mayor Furst stated Councilmember Condon compared this process and the General
17 Plan update to the process that led to WinCup and she disagrees with this statement. This
18 has been much clearer and open from what happened early on that led to WinCup.

19
20 She explained that the Town has a large project the Town is currently seeking funding for
21 in the Tamal Vista/Nellen/Wornum/Pilfer area which would open up Nellen to southbound
22 traffic which will alleviate a lot of traffic on Tamal Vista coming from Larkspur trying to get
23 to the east side of the freeway. They are trying to achieve funding through Active
24 Transportation Projects (ATP) or another source and so the Town will not know the long-
25 term traffic impacts of WinCup once the Town has all of those changes implemented
26 because WinCup will open before they have the project funded and completed. This is also
27 further made difficult because the intersection of Wornum and Nellen is within the
28 jurisdictional boundaries of Larkspur.

29
30 She and Councilmember Andrews worked on the letter to MTC and ABAG about the Plan
31 Bay Area II housing and jobs numbers. It was news to her as to how they were using the
32 Town's zoning to come up with these numbers, and what they did was look at anything that
33 was mixed use and they assumed maximum housing and maximum commercial which
34 equals maximum jobs. .

35
36 She added that she made a Public Records Act request to obtain Urban-Sim methodology
37 and this will be provided to her on a USB drive and she will have this information at some
38 point. She questioned staff as how would a mixed use designation including housing affect
39 the Urban-Sim model that MTC is using to arrive at housing numbers.

40
41 Mr. Wolff said he could not answer this directly because he was not sure how MTC and
42 ABAG use this methodology. MTC provided maps which were provided to the Council and
43 they described these as the foundation for their Urban-Sim model, which is parcel-by-

1 parcel information used for the Bay Area.

2
3 While the letter correctly points out that it appears that the map shows development could
4 occur at maximum residential and maximum commercial, MTC/ABAG are using the Town's
5 General Plan maximums. When they come out with their allocation the number did not
6 show that there is any development on the site. It shows 240 units of new housing would
7 be developed in Corte Madera from now until 2040 and 216 of those were the WinCup site.
8 Staff pointed out that this number makes no sense because 180 units were developed.
9 Despite the fact they are using that foundation, it does not appear that the Urban-Sim
10 model used that got the Town to its projected numbers did not include any of the sites for
11 the Plan Bay Area II 2040 run. He heard anecdotally that the 10 households are a result of
12 decreasing vacancy rates from 2010 to 2040. In 2010 the number was a 6% vacancy and
13 by 2040, this went down to 1% and therefore, the additional 210 households was a result
14 of reoccupying housing stock. The remaining 240 was new development, the vast majority
15 of which has already occurred at the WinCup site.

16
17 Despite all of the numbers, it looks as if MTC/ABAG is using maximum numbers of what can
18 be developed according to the Town's General Plan on both of those sites.

19
20 Councilmember Lappert said in considering Councilmember Condon's comments he
21 questioned what the term "mixed use" truly meant. If the Council decides at some later
22 time they will add a residential component to this area he asked if the Council would have
23 to return and rezone. Mr. Wolff confirmed. He said given the property is private and
24 approaching the building permit stage and without enacting another moratorium, he
25 questioned what the Town would do.

26
27 Councilmember Andrews suggested adhering to what the Council approved at its last
28 meeting but amend it so that residential is pending a study of the effects of the WinCup
29 development's occupancy.

30
31 Mr. Wolff said one of the ways of going about doing this is that the Council could proceed in
32 the direction of removing "residential" from the MX-1 zoning and call it something else
33 such as C-6, keeping the parts which the Council wants which are the development
34 standards being recommended and some of the other provisions except for residential. He
35 noted the General Plan would have to be amended, as well.

36
37 Councilmember Andrews suggested amending Section 18.13.020(1) which states,
38 "residential uses" and indicate "none", and then modify what was introduced at the first
39 hearing and make residential uses a permitted use conditional upon a study on the effects
40 of Tamal Vista.

41
42 Mr. Wolff stated staff reviewed what would happen if the zoning change did not go through
43 with residential. They would have to modify the ordinance and the matter would return

1 and something else would be introduced, as well as another General Plan Amendment at
2 the same time, and CEQA analysis would not need to be redone.

3
4 Councilmember Condon asked what would be the least convoluted way to either alter the
5 definition of mixed use or be able to delay including residential and make it work so
6 everybody is satisfied. She noted that the same argument that this would satisfy RHNA
7 numbers at the last cycle, and she did not want that kind of zoning as an excuse for zoning.
8 She feels that having lived through this in the past, she did not want to see it happen again.
9 Given the density is not as profound as the WinCup project, the fact is that the Town has
10 parcels that could easily evolve into something big.

11
12 Mr. Wolff stated he was happy to return and amend documents more specifically as he
13 previously stated and said it was not difficult to do.

14
15 Mayor Bailey opened the public comment period.

16
17 Public Comments:

18
19 PETER CHASE said he attended 5 of the 10 workshops and the staff report was a good
20 amalgamation of public comment and sentiment of stakeholders saying what contributed
21 to the report is reflected in those statements. They did support what was arrived and it
22 allows the Town a fair amount of control of what occurs there. The parking alone will never
23 be a problem because the density of the units will not cover so much of the property that
24 there will not be enough parking. Therefore, even if it was all residential, there would be
25 enough parking as compared to the WinCup project which clearly may not have enough
26 parking.

27
28 He said the people attending the meetings were very aware of the WinCup project and
29 many of them were opposed to it. They also contributed to the discussion about the
30 possibility of residential and how it might enhance the neighborhood and this was an
31 important aspect of what came out of it. He did not believe there would be a parking issue
32 on the streets and this process is much more transparent and significantly reduced in size
33 and impact as compared to the WinCup project. There was a traffic study for the WinCup
34 project which will obviously change and he thinks it will be another 6-9 months before the
35 project opens.

36
37 He added that one of the elements contained within the MX-1 zoning is to create a
38 community-based set of structures or elements to the plan so they receive a density bonus
39 for creating low income or small units and include something like a community center, and
40 anything inside of a commercial zoning would not do that unless completely rewritten.

41
42 Lastly, there is a lot more control over the residential and commercial components and in
43 talking to people who might develop something there, they are very encouraged by what

1 Mr. Wolff wrote in this combination document of a little zoning for homes and a little
2 zoning for commercial and they like what it will do for their properties.

3
4 Councilmember Condon referred to parking and noted that the new law is if there is any
5 affordable component in a development, the Town cannot require or mandate the
6 developer to provide any more than .5 space per bedroom. Therefore, a 2-bedroom unit
7 would have 1 parking space. She fears that the State will continue to make these demands,
8 provide more density bonuses, more restrictions on parking, and it will impact the Town.
9 She said her plea is to be able to hold off and see what the result is from the WinCup project
10 once opened and go from there rather than look back and say, "If only we had waited."

11 Vice Mayor Furst indicated she had another question and asked to reopen public comment.

12
13 Re-open the Public Comment Period

14
15 MOTION: Moved by Condon, seconded by Furst, and approved unanimously by the
16 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
17 None).

18
19 To reopen the public comment period

20
21 Vice Mayor Furst said she is really struggling with her desire to create a community that
22 has the development standards the Town likes, allows the property owners flexibility and
23 provides a modest amount of housing which is needed given the demand; however, she is
24 very nervous about triggering an increase in the Town's numbers by signaling to MTC the
25 Town has all of this development capacity here. She asked if the fact it is conditional use
26 factors into this at all when MTC looks at this, and she asked if there was a way to not
27 trigger increased numbers.

28
29 Mr. Wolff said with regards to this corridor, the Town should be telling MTC that if this is
30 adopted the assumptions are wrong. Their assumptions for other areas of town that have
31 the mixed use commercial designation now seem to be accurate in that they use the
32 General Plan numbers. Here what the Town has done is indicate that the General Plan set
33 out the general rules for this and many areas in Town. The Town has done a study for the
34 Tamal Vista Corridor and thinks that zoning should be 15.1 units per acre. Also, when
35 developing residential, they will also not get the maximum commercial. If adopted, they
36 would communicate with them as to what has been done and indicate to them this is how
37 the Council sees other areas of the Town be in its commercial districts.

38
39 He thinks what the Town will do here is more specific. While still being consistent with the
40 General Plan, they are saying here is the density they think is appropriate, they are not
41 double-counting, not letting MTC max out both because they have FAR caps, and those
42 rules do not allow what MTC is assuming.

43

1 Vice Mayor Furst asked if this was not what was forwarded to them in the last letter. Mr.
2 Wolff said not to that specificity but they did say there was a pending ordinance.

3
4 Vice Mayor Furst asked if there was any indication about how they would receive that
5 information of this new ordinance and how they will code that for the ultimate outcome.

6
7 Mr. Wolff said from every city in the Bay Area, he gathered that MTC put this as a
8 foundation layer, threw in some carrots, some stock, press a button and it runs and spits
9 out a number for each jurisdiction and where development is most likely to occur. For
10 Corte Madera, this revealed that development will occur on the Tam Ridge site and 13
11 other units in town and the rest is going to be re-occupying existing units. This is what has
12 happened thus far, but things change so he has no way of providing the Council with
13 confidence that the number they presented thus far will not change. But, it is consistent
14 with other jurisdictions with the exception of Mill Valley which was way off the charts. Staff
15 would give them this information and say to them that if this is their foundation for
16 determining what can be built in the Urban-Sim model, they should change it, but even at
17 the maximum it did not assume development for residential on any of these sites.

18
19 Vice Mayor Furst asked about Mill Valley's numbers, and Mr. Wolff said he was not sure,
20 but he thinks some parcels were incorrect General Plan numbers.

21
22 Mayor Bailey asked and confirmed there were no additional public comments.

23
24 Councilmember Lappert said he thinks there has been an amazing amount of effort put
25 forth by true stakeholders and those actively living there and owning property there. He is
26 confident in the document presented and zoning for only commercial there would be ugly
27 for the neighborhood and what staff has come up with which clusters some residential and
28 commercial and keeps it in a workable scale is well considered. He cannot make policy
29 based on what may or may not happen. There are privately held properties and they have
30 a right now to move forward after a year. He therefore will support the second reading and
31 adoption of what was presented by staff.

32
33 Vice Mayor Furst concurred and said the moratorium has expired and she thinks the
34 Council should adopt this. It offers the property owner some flexibility, the Town some
35 flexibility and thinks it is a very good balance. Everybody that worked on the process came
36 forward with a good document. Regarding having an intergenerational center there, she
37 said the Town did not have money for it so what happens in a capitalistic society is that
38 properties are purchased for development and the Town simply does not buy parcels
39 because they do not want things to change in Town. She hopes the Council sees something
40 similar to Peter Chase's comments where a developer may offer to build a small community
41 room which could be used for various activities.

42
43 She said she was supportive of some housing here and there are people who do not want to

1 see any housing, but some is needed. If there was not such a shortage of housing, rents
2 would not be so high and this provides some flexibility. Giving the property owners some
3 closure and getting this done rather than dragging it out is a good point made by
4 Councilmember Lappert. She would hate to see the housing portion of it delayed pending
5 traffic reports as traffic will always be changing when improvements are made, and
6 property owners deserve to be able to move forward and she supported approval.

7
8 Councilmember Condon said she was hoping that the Council would see her goal which was
9 to be proactive and to maintain local control. She has no problem with housing as this is a
10 neighborhood, but her concern was density. What she feels and why she still opposes this is
11 that she does not think the Council has created a scenario where they have protected the
12 Town. While it may not nearly be as dense as the WinCup project, in 6 months the
13 legislature can increase their density policies and there is nothing the Town can do. The
14 Town cannot reduce its densities because there is nowhere else in town where they can
15 replace it.

16
17 She thinks the Town could have control over development with a PUD, but she was not
18 encouraged by this approach. To her, this would have worked and the Town would have
19 been able to control the density with a PUD. Every time she attends a meeting in
20 Sacramento, another density bonus is being discussed and she does not see this stopping at
21 all. Parking is at .5 spaces per bedroom and for a senior development it is zero, so already
22 the Town has lost control over parking. Heights also increase because it is mandated by the
23 state and the Town was told it has control over this, but they do not.

24
25 Councilmember Andrews echoed Councilmember Condon's comments, stating AB 1934
26 which was signed into law gives a commercial developer a 20% bonus for height, FAR,
27 parking, etc. He agreed Sacramento is allowing by right authority over cities' standards
28 because they usually attach it to a housing bill. He is also concerned that the Town could
29 lose a significant portion of its commercial core and what they would be doing is
30 substituting a potential revenue source to a Town that is not solvent given pension
31 liabilities and developing housing which will not carry its full share of its burdens.

32
33 He said the example of a total 384 units as a possibility of being developed there could be
34 spread out over 6 parcels and these will be subsidized by the 7 homeowners across the
35 street because the school bond for a parcel tax is proposed at \$679 per parcel who will pay
36 for this. The Town is also losing potential commercial revenue which he thinks the Town
37 needs to maintain. He therefore would vote against the ordinance.

38
39 Mayor Bailey said there are things to mitigate impact and he thinks the Council can amend
40 its General Plan to harmonize it with the most recent ordinance, and he would make this a
41 priority.

42
43 Secondly, parking in the Tamal Vista neighborhood as well as up to Council Crest, he

1 remembers discussion about permits for neighborhood parking which will help protect
2 neighborhood streets from potential problems.
3

4 Lastly, he referred to the letter regarding RHNA numbers and he shares concern as to
5 whether the Town's new zoning amendment somehow exposes the Town to a higher RHNA
6 number. He is hopeful it does not, but if the Town can preserve this, clarity should be
7 provided about the fact that 15.1 units per acre is the amount that can be developed there
8 and no more. The Town does not have a policy against housing and should not limit itself
9 to options available to property owners who want to improve their property or imagine
10 what options they ever may want to enjoy. He is not persuaded that the Town should
11 permanently require those businesses to be businesses or permanently enjoin those
12 properties never having any residences ever. Also, the delay is a solid point which gives
13 him pause about whether they should wait longer to figure these things out, but they have
14 had 2 full years of analyzing this with 15+ meetings and a team of planning staff and
15 community meetings that has arrived at a resolution. The Council should make a decision
16 and live with it, and that time is now, and he suggested a motion.
17

18 MOTION: Moved by Furst, seconded by Lappert, and approved by the following vote: 3-
19 2 (Ayes: Furst, Lappert and Bailey; Noes: Andrews and Condon).
20

21 To waive second reading and adopt by title only a Zoning Ordinance
22 Creating a New Mixed-Use Zoning District MX-1 and Rezoning Seven
23 Properties Along the East Side of Tamal Vista Boulevard Between Madera
24 Boulevard and Wornum Drive from C-3 and Public/Semi Public Facilities to
25 MX-1
26

27
28 7.II.iii Consideration, Discussion and Possible Direction to Staff Regarding
29 Capital Project – Shade Structure in Town Park Playground
30 (Report from Mario Fiorentini, Director of Recreation and Leisure
31 Services)
32

33 Director of Recreation and Leisure Services Mario Fiorentini stated the Recreation
34 Supervisor Brian Hernandez has organized the project with designers and contractors and
35 he will present the project.
36

37 Recreation Supervisor Brian Hernandez stated in April 2015 the Council allocated \$50,000
38 to build a shade structure at Town Park. This was a request from the Parks and Recreation
39 Commission due to sun and heat complaints. He identified a few shade companies and
40 Shade Comforts is the one company which submitted a proposal below budget and he
41 referred to Attachment 1 which shows the site location which is next to the port-a-potties.
42 Staff felt this was a great location because the area is not utilized and there would be a few
43 picnic tables that would be under shade. Staff also proposes adding a couple of larger picnic

1 tables in the future so that area can be better utilized.

2
3 Mr. Hernandez explained for Councilmembers the proposed area for the proposal and said
4 there are no trees located in the area. The sand pit has trees and seating around it which is
5 well-shaded. If a shade structure was located in the tot lot, they would have to drill through
6 rubber and concrete, which would add cost. Staff also proposes a sail design because at a
7 later time, pieces can be added to extend the shade structure to cover other areas. The sail
8 style is also more aesthetically pleasing and similar to what exists at Neil Cummins School.
9 He then pointed to Attachment 2 showing the structure's design.

10
11 In response to Mayor Bailey, Mr. Hernandez confirmed that the sails have a 15-year
12 warranty and poles have a 20 year warranty and the sails' maintenance would include
13 power washing every now and then. He noted there was an issue with the heat of the poles,
14 but the company stated they do not get hot but to further assure this, rubber areas can be
15 attached to them to keep it from getting too warm. The sails are rated for wind gusts of 100
16 mph for 30 seconds. Poles will be powder coated and self-tightening bolts will be installed
17 on the sails to prevent any sagging.

18
19 The Parks and Recreation Commission also agreed with the bottle green color which would
20 match what exists in the park. A higher UV protection rating of 94% will also be achieved
21 with this color. The poles are blue which is also widely used at the playground.

22
23 Councilmember Lappert stated young kids like to climb up on the bathrooms and he asked
24 if the sails could be used as a trampoline. Mr. Hernandez stated the poles are at least 10
25 feet high with the shade above them, which are at an angle, so he did not think kids could
26 climb up the poles or remain on the shades.

27
28 Vice Mayor Furst asked if staff considered that the dark blue poles would get hotter than a
29 lighter color. Mr. Hernandez said when he asked the company representative, he indicated
30 the poles do not get warm.

31
32 Mayor Bailey opened the public comment period and there were no speakers.

33
34 MOTION: Moved by Condon, seconded by Furst, and approved unanimously by the
35 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
36 None).

37
38 To Approve the Capital Improvement Project for the Shade Structure in
39 Town Park Playground

40
41 7.II.iv Review of Draft November 1, 2016 Town Council Agenda

42
43 There were no comments or revisions to the proposed agenda.

1
2 7.II.v Approval of Minutes of October 4, 2016 Town Council Meeting
3

4 Councilmember Andrews requested the following amendments:
5

- 6 • Remove the word “unanimously” in three instances “unanimously approved” in the
7 votes on Pages 22 and 23.
8

9 MOTION: Moved by Furst, seconded by Condon, and approved unanimously by the
10 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
11 None).
12

13 To Approve Minutes of October 4, 2016 Town Council Meeting, as amended
14

15 **8. ADJOURNMENT**
16

17 The meeting was adjourned at 10:20 p.m. in memory of Beth Benz and Tony Hoke to the
18 next regular Town Council meeting on November 1, 2016 at Town Hall Council Chambers.