

MINUTES OF OCTOBER 4, 2016

REGULAR MEETING  
OF THE  
CORTE MADERA TOWN COUNCIL

Mayor Bailey called the Regular Meeting to order at Town Hall Council Chambers, 300 Tamalpais Drive, Corte Madera, CA on October 4, 2016 at 6:30 p.m.

**1. ROLL CALL**

~~Councilmembers Present:~~ Mayor Bailey, Vice Mayor Furst and Councilmembers Andrews, Condon and Lappert

~~Staff Present:~~ Town Manager Todd Cusimano  
Town Attorney Randy Riddle  
David Bracken, Director of Public Works/Town Engineer/Assistant Town Manager  
Director of Planning and Building Adam Wolff  
Assistant Superintendent of Public Works/Maintenance and Operations  
Town Clerk/Assistant to the Town Manager Rebecca Vaughn

**6:30 p.m. - CLOSED SESSION**

**PUBLIC EMPLOYEE APPOINTMENT**

Pursuant to Government Code Section 54957  
Title: Town Attorney

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Closed Session Pursuant to Cal. Gov't Code Section 54956.9(d)(1)  
Name of case: Larson v. Town of Corte Madera, et al., MCSC Case No. CIV1602760

**7:30 p.m. - OPEN SESSION**

Mayor Bailey stated there was no reportable action from the Closed Session.

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

**2. OPEN TIME FOR PUBLIC DISCUSSION**

JEFF WEAVER, Chief of Police, City of Sebastopol, representing the California Police Chief's Association, stated he was present to honor former Police Chief Todd Cusimano on his retirement from his career in law enforcement, and he read a Proclamation into the record. A round of applause followed.

**3. PRESENTATIONS**

3.I Acknowledgement and Celebration of Pauline Angleman's 108<sup>th</sup> Birthday  
(Ms. Angleman will be presented with a certificate and cake)

Mayor Bailey and Town Councilmembers presented a Certificate of Honor and a framed photograph taken during the 4<sup>th</sup> of July Parade in recognition of Ms. Angleman's 108<sup>th</sup> Birthday and contributions to the Town of Corte Madera. A round of applause and celebratory cake followed.

**4. COUNCIL AND TOWN MANAGER REPORTS**

- Town Manager Report

Mr. Cusimano gave the following report:

- Thanked everybody for making his transition to Town Manager as smooth as possible and recognized Town employees, especially Town Clerk/Assistant to the Town Manager Rebecca Vaughn.
  - There was an electrical fire to a structure at 4:00 p.m. at 10 Hill Path and firefighters were able to save the structure.
  - Shared Services Report:
    - The Town is moving forward with the sharing of services with Larkspur and Corte Madera fire services and both are organizationally merged and overseen by Chief Scott Shurtz.
    - There are currently 3 firefighters out on injury and 3 planned retirements over the next 2 months.
    - They plan to hire 4 new firefighters over the next 2 months.
    - They are currently struggling with handling fire prevention and he hoped to report out at the next meeting with solutions.
    - He is meeting with the Larkspur City Manager Dan Schwartz on finance matters regarding their fire departments and will begin preparations of meetings with their ad-hoc committee in November which consists of 2 Councilmembers from each jurisdiction.
  - There has been talk that LAFCO would require a financial analysis costing the Town approximately \$80,000 to \$100,000. LAFCO has tentatively agreed to accept the two agencies' financial analysis at a combined cost of \$8,000 for them to review this analysis.
  - Public Works maintenance staff was involved in last weekend's Centennial Ice Cream Social Host which was successful.
  - Work continues to replace PG&E's underground vault at Wornum and Old Redwood Highway. The Town is in the negotiating phase of a settlement to divert and replace its abandoned sewer line.
  - David Bracken is currently in the Bahamas and a Category IV hurricane heading his way. It has been downgraded to a Category III and may hit the island on Thursday.
- Director of Planning and Building Services on Corte Madera Inn Rebuild Project Review Process

Mr. Wolff gave the following report:

- Following the Planning Commission's recommendation for approval of the Corte Madera Inn Rebuild Project application, staff received new information from the Regional Water Quality Control Board describing new plant materials in the pond. Staff had to inspect this and determine how it would affect the CEQA process.
- Since that time, on advice from the Town's consulting biologist and the Town's environmental planner, a third party biologist will be hired given concerns raised about quality of prior biological work. Steve Foreman of LSA, Inc. was hired out of their Pt. Richmond office. Mr. Foreman's report was received and concluded that there is Wigeon grass in the pond. It varies by season and the proposed filling of the pond would create new significant impacts on biological resources that were not previously identified. CEQA requires recirculation to the public with a 45-day review period of the biology section of the EIR to include information about Wigeon grass. New comments will be received and the matter will return to the Planning Commission.
- The Planning Commission will review and make recommendations to the Town Council about the recirculated biology section by the end of October/early November. Thereafter, the Town Council is expected to review it early next year.

Councilmember Andrews asked if a biologist has looked at the pond and provided a recommendation about its restoration to bring it up to the same level as the Town's lagoons. Mr. Wolff said there have been discussions about this, but he was not sure it has gotten to this detailed level of assessment.

In response to Mayor Bailey, Mr. Wolff stated the item was to update the Council on the work to date on the CEQA process for the project, and he will return with another update once the comment period has closed.

- Council Reports

Councilmember Andrews had no report.

Councilmember Condon gave the following report:

- The Chamber of Commerce Board meeting was held today:
  - On October 13<sup>th</sup> the Chamber will hold its annual golf tournament at San Geronimo. Those interested in playing should contact the Executive Director.
  - The Chamber Holiday Mixer will be held on December 8<sup>th</sup> and the public is invited.
- She has been working with a task force in forming a Twin Cities Village which will consist of Larkspur and Corte Madera. The Village is an organization that improves the quality of life of seniors. She briefly discussed their many services for seniors. It will be launched November 1<sup>st</sup>. The task force is meeting tomorrow to ready it for previous at the Senior Fair. Larry Meredith, former Director of Health and Human Services is chairing the task force along with herself and assistance from Pati Stoliar.

Councilmember Lappert had no report.

Vice Mayor Furst gave the following report:

- She attended the Transportation Authority of Marin (TAM) meeting and learned about two new State Housing and Community Development Department requirements for OBAG II:
  - Surplus land now requires local agencies disposing of surplus land to give first priority to developers of affordable housing.
  - Housing Element annual reports are due April 1, 2017. In addition, PDA's must adopt affordable housing and anti-displacement policies.
  - There was recently a Safe Routes to School Program Evaluation Report released with great information. There is a link to this on the TAM website and statistics show that each school was assigned a score in terms of "green" trips, with the goal to reduce traffic congestion.
    - Neal Cummins received a score of 84.
    - Cove School received a score of 74.
    - Hall Middle School received a score of 85.
    - Redwood High School received a score of 56 (57% of students either drive or get driven to school not including car pools, and green trips has decreased by 4% since 2009).
  - At a previous meeting she criticized SMART for their failure to allow the use of the right-of-way in Greenbrae, Larkspur and Corte Madera on the levy behind Cost Plus. There is a pathway program ready to go and it has been stalled because SMART has not signed off on use of the right-of-way even though they are contractually required to allow use of that right-of-way for transportation. She learned there were some negotiations which she is trying to learn more about and hopefully she will have good news to report at the next Council meeting.

- TAM is undergoing a Strategic Plan and has created a website for people to take the survey and provide input by visiting [www.gettingaroundmarin.com](http://www.gettingaroundmarin.com).

Mayor Bailey gave the following report:

- He thanked the Beautification Committee and Women's Club for organizing the Ice Cream Social.
- He attended a day-long seminar on behalf of the Town as part of Marin Clean Energy which continues to grow. The newest member is the City of Walnut Creek and the plan for the foreseeable future is to begin to absorb additional towns. Community Choice Aggregators (CCAs) are springing up all over the state and this model has been very successful so the same energy can be sold to local customers slightly less than from an investor-owned utility while receiving renewably sourced local energy.

## 5. CONSENT CALENDAR

- 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 ~~Second Reading and Adoption of Ordinance No. 957 Changing Election Date from November of Odd-Numbered Years to June of Even-Numbered Years~~  
(Report from Rebecca Vaughn, Town Clerk)
- 5.III ~~Adopt Resolution 42/2016 Appointing A Representative And Alternate to the Marin Emergency Radio Authority Board of Directors~~  
Report from Rebecca Vaughn, Town Clerk
- 5.IV ~~Adoption and Ratification of a Report Regarding Measures Taken to Alleviate Conditions Leading to the Urgency Ordinance No 954 (Development Moratorium for Tamal Vista Boulevard Corridor).~~  
(Report from Adam Wolff, Director of Planning and Building)
- 5.V ~~Approve Warrants and Payroll for the Period 9/15/16 through 9/28/16: Warrant Check Numbers 214484 through 214608, Payroll Check Numbers 5306 through 5320, Payroll Direct Deposit Numbers 30453 through 30579, and Payroll Wire Transfer Numbers 2062 through 2069~~  
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

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

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

## 6. PUBLIC HEARINGS

- 6.I ~~New Mixed Use Zoning District – Consideration and Possible Adoption of the following: (1) Resolution Adopting a Negative Declaration Pursuant to CEQA Guidelines Section 15074; (2) Introduction of a Zoning Ordinance Creating a New Mixed-Use Zoning District MX-1 and Rezoning Seven Properties Along the East Side of Tamal Vista Boulevard Between Madera Boulevard and Wornum Drive from C-3 and Public/Semi Public Facilities to MX-1; and (3) Adoption of a Resolution Approving General Plan Amendments Changing the Land Use Designation for 75 Tamal Vista Boulevard from Public/Semi Public Facilities to Mixed-Use Commercial and Adding MX-1 to the List of Applicable~~

~~Zoning Districts in the Mixed-Use Commercial Land Use Designation.~~  
(Report from Adam Wolff, Director of Planning and Building)

Director of Planning and Building Adam Wolff gave the staff report and a PowerPoint presentation regarding a plan of the Tamal Vista corridor leading to new zoning code regulations and land use policies and regulations for new development along the Tamal Vista corridor. The fulfillment of the main purpose of the moratorium was put in place in 2014 to try and address development issues in this corridor.

Before the Council are two resolutions and an ordinance. The first resolution is to adopt the Negative Declaration which was prepared to assess environmental impacts of the zoning ordinance proposal and the General Plan proposal. The second resolution is for approval of the General Plan Amendment, and the thrust of the item is Ordinance 958 which would be a first step in adopting new regulations.

Mr. Wolff stated staff not only has created the zoning regulations but also rezoning the 7 properties in the Tamal Vista corridor from its existing C-3 zoning to MX-1. The General Plan Amendment relates to one property which currently has a General Plan designation of public/semi-public which is the DMV site. The amendment would be to change the General Plan land use designation to Mixed-Use Commercial to be consistent with zoning.

The area of the Tamal Vista corridor is bounded by Tamal Vista Boulevard to the west, Wornum Drive to the north, Highway 101 to the east and Madera Boulevard to the south. This is the area the Town is looking at for new regulations and nothing outside of that area. He suggested the Council ask questions as he goes along with his report and not wait until the end of the presentation.

Mr. Wolff said where they are today is a direct result of the study that staff embarked upon about a year ago. The Town hired the assistance of the Metropolitan Planning Group (MPG) to help facilitate public discussion and arriving at analytical tools. Discussion would focus on what is currently on site today, how it is being used, how it could be used better in the future and potential improvements.

Many stakeholder meetings were held as well as several large workshops and meetings with the Planning Commission and Town Council in developing the process of the study and ultimately this report. The report came out in June and with it several land use policy recommendations and code language. One of the main goals throughout the entire process was to create a very linear and transparent process of how they are getting to where they are now.

Mr. Wolff described the existing C-3 zoning district, which is a highway commercial zoning district. It allows many uses, many of which are not compatible with the residential character of the area such as mini-lubes, car washes, auto painting establishments, etc. It does not allow smaller more appropriate uses in a residential and local commercial context. It allows commercial uses up to .34 FAR, a maximum height of 35 feet, requires a 20 foot front setback from Tamal Vista Boulevard or Madera Boulevard in the case of the Corte Madera Inn site, and a default 10 foot rear yard setback from Highway 101.

What the Town has come up with is a much more robust set of policies and regulations that would 'fix' the mismatch of uses allowed, as well as creating a better streetscape, more room that could be landscaped or used as functional and aesthetically pleasing sidewalks. It allows .34 FAR for commercial uses that the C-3 does and also introduces residential uses which are the biggest change the regulations impose.

More importantly what it does in residential districts is it puts a cap on the total floor area of residential development as well, and not just a ratio. There are some incentives for senior housing and projects providing community services or amenities and there is a lot of detail on development standards that were not there before which talk to setbacks, height

restrictions closer to Tamal Vista, distribution of floor area and relationship with the street, upper story setbacks, more robust lighting and landscaping standards, etc.

Mr. Wolff said while there are many new things, they took what they could from the existing framework in the other zoning ordinance chapters and modeled it after that. They used the Town's existing ordinance as a baseline and worked from there. The way they structured this was to create a new section in the zoning ordinance or a mixed use district. It sets up a framework where if the Town wished to develop another mixed use district in the future for another area of the town, this could be inserted in as needed.

In presenting the bullet points and the policy recommendations in the report and showing how these recommendations were implemented, Mr. Wolff said staff developed a list of appropriate uses in the corridor starting with what is already in the C-3 district and what seems to already work as well as adding to it and removing uses from it. The Planning Commission also made some changes to the list of permitted and conditional uses and recommended some cleanups which had been requested by representatives from the Market Place shopping center. For instance, the Planning Commission recommended that restaurants with less than 4,000 square feet of floor area be added as a permitted use as well as juice and smoothie shops, and the full list is outlined in Attachment 7.

The second bullet pertains to residential uses and what is contained in the proposed ordinance at this time. The 15 dwelling units per acre is the minimum of the range as outlined in the General Plan, and the General Plan for this area calls for 15.1 to 25 units per acre. Staff made a slight adjustment going from .3 to .3r FAR for residential allowed for building area, given the recognition that unit sizes were getting too condensed at .3 FAR or about 860 square feet per unit whereas the .36 which works out to about 1,000 square feet per unit, and parking would not be counted for FAR in commercial districts.

Mr. Wolff then briefly described potential development scenarios with different unit square footages, total floor area caps, density bonus, and a mix of residential and commercial development. He provided another example in the corridor where lots are between 1.75 acres and 5 acres, and another example where a component of the development is smaller as compared to something like "big box" retail and bringing it closer to the street.

Councilmember Andrews questioned state density bonus law provisions when commercial is mixed with residential housing. Mr. Wolff said if the developer and the Town come to agreement on a proposal to build housing with an affordable component on or off site, while he was not sure if Corte Madera is proximate to a transit stop, theoretically it would be a 20% bonus for the commercial floor area. This would provide an incentive for the commercial property owner to contribute towards housing so it would be 1.2 on top of 3.4 FAR.

Mayor Bailey questioned an example presented and Mr. Wolff provided clarification on the many ways a development could be configured while still meeting requirements of the rules.

Mr. Wolff stated there were comments about considering how to create incentives in order to get some of the things the Town may want. There are provisions that allow increased density or .5 FAR in 3 cases. In reviewing this further Mr. Wolff said there were some things that did not need to be considered incentives. For senior housing, the units per acre could be increased over and above the 15.1 units per acre, and this is a bit more of an incentive for that use over regular market rate housing.

For affordable housing there is already an incentive through the state density bonus which will allow for more units per acre and allowing more floor area up to .5 FAR. Staff decided to take that .5 FAR off of the table and a developer could request this through a concession process at the time of application which goes along with the state density bonus law.

For on-site community services, a provision was included for commercial development which includes an incentive whereby an applicant or developer who was developing a new commercial building could get a bit more FAR if they provided an amenity that provided extraordinary services to the community such as a park, recreation facilities, or non-profit community services.

Mr. Wolff stated in response to comments about the potential multi-use pathway, key regulations include 50 foot minimum setbacks from the highway in the rear whereas today there is 10 feet. He presented a diagram showing side and rear setbacks and said if an applicant wants to show they need flexibility for certain design considerations or other reasons, this could be granted if a certain finding could be met.

Markers were put out at the site at the theater showing how far the areas are which all relate to different points in terms of rules created. He presented a picture showing the closest measurement (50 feet) of an area that could be developed next to Tamal Vista Boulevard without special permission from the Planning Commission.

Regarding height and massing, 25 feet would be allowed in a neighborhood zone and 35 feet to the rear; 3 stories maximum near the highway and 2 stories in the front. He noted there are provisions to allow for more height but not more stories, along with stepping back of development towards the back of the lot.

There are several other provisions relating to dark sky compliant lighting, performance standards, more robust landscaping, parking is taken straight from existing rules with the exception of requiring only 1 space for an efficiency or studio. They increased bike parking requirements for multi-family residential development. There are special conditions relating to 50 Madera and 56 Madera because they are unique. Many of the regulations in development centers do not apply to those, especially 50 Madera which is a very small lot. Design review would still be required for any new sign and all sections refer to 18.24 which is the general section which triggers the Town's inclusionary housing ordinance, applications for density bonus, yard exceptions, etc.

He presented the rezoning application showing current zoning of C-3 and PSP and the map would change to be all MX-1. He presented the mixed use commercial land use designation in the General Plan, the public/semi-public facilities, and staff is proposing to change the DMV site from public/semi-public to mixed use commercial zoning.

Staff also completed the Initial Study Negative Declaration for assessment of environmental impacts associated with the zoning ordinance amendment proposal and the General Plan Amendment. He introduced Olivia Irvine who assisted Town staff to prepare the Initial Study and Negative Declaration, as well as Dalene Whitlock who assisted with the traffic analysis. All required CEQA categories were assessed and a programmatic level assessment was found to be needed, given they are not proposing any specific project they are analyzing right now. Housing is the only thing to be included in the corridor whereas in the past under the current C-3 zoning it was not. Commercial is the same today as it is proposed to be in the proposal.

Regarding traffic, they reviewed and analyzed build-out scenarios over a long period of time. If commercial is potentially replaced with residential development, it may lead to lesser traffic impacts. Additionally, each project would need to perform its own project-level CEQA analysis when applications come in to ensure it was not tripping any thresholds.

The Planning Commission approved by a vote of 3-1 the modifications. They recommended all housing shall require a conditional use permit whereas previously only for-sale housing was proposed for a conditional use permit. They discussed restaurants and other uses and the Planning Commission revised the threshold for triggering streetscape improvements.

Mr. Wolff pointed to the memo in the Council packet responding to comments voiced at the Planning Commission meeting regarding housing and its relationship to Highway 101 and there are Options A, B and C in the staff report, as well for the Council to consider.

Lastly, Mr. Wolff presented a slide which showed the findings associated with each of the proposed actions for the Council to consider.

Councilmember Andrews said he was of the mind that he could not approve putting housing in this area at this time. He might be comfortable doing so 5 years from now, but he would have to see what would happen with the Tam Ridge development, what would happen with state regulations and laws, and he asked how much of a rework would it be to strike housing from the documents.

Mr. Wolff said this would not be difficult, but if housing were put in at a later time, the public outreach, staff work and public meeting process would begin over again. Perhaps some of the same information could be used again if conditions do not change much, and more CEQA work would most likely be needed.

Councilmember Lappert said if he wanted to open up a shoe shine parlor, he asked if this would be allowed. Mr. Wolff said shoe stores would be allowed.

Councilmember Lappert asked if all property owners affected were contacted. Mr. Wolff said he has spoken personally with many of the property owners and held stakeholder meetings with several of them. Not all were able to be involved. The office building owners at 21 Tamal Vista received all notices sent not only of the formal public hearings as well as the new owner of the theater property. Mr. Wolff said the Scandinavian Design representative attended the July Council meeting and are well aware of the process, and he even spoke with Gavin Newsom's office which serves as representative to the DMV office.

Vice Mayor Furst said if housing was struck now and the Council wanted to add it back in 5 years, she asked how much this would cost for all work, including CEQA. Mr. Wolff said not including staff time, for CEQA clearance and consulting work, he would say the cost is at about \$50,000 to \$100,000. In calculating staff time, he noted that staff has worked very hard to get to the current point but it is all part of the process.

Mayor Bailey opened the public comment period.

**Public Comments:**

PETER CHASE, Montecito Avenue, speaking as a resident and not Planning Commissioner, said he attended 5 of the 10 public hearings and experienced a thorough process throughout and he thinks this is the reason for how much of the residential regulations came to fruition. What Mr. Wolff created reflects much of what they heard. There was a tremendous amount of input for creating a different feel for Tamal Vista. It was clear that a bicycle corridor will happen and be part of the corridor, and the feel of the corridor changing to include some residential units and incentivizing senior housing was important to people and should be included.

He said people talked about creating potential community centers and he thinks the report also allows the representative from Scandinavian Design to create a community interest space. He has read the public commentary that states people do not want another WinCup, and he thinks this is very far from that in the residential entitlement. The maximum development for the theater property would be 36 units, which is very minor in comparison to the 180 units at WinCup. He supports incentivized housing, but he understands any reluctance. The idea was to personalize that area of Tamal Vista and create a better neighborhood feel for it, and with people walking and living there, if possible, it helps do that.

BILL PETRICELLI, co-owner of Book Passage in the Market Place, said over a decade ago the zoning of their property was changed to C-3 and they became a non-conforming use. He asked under MX-1 would they be a permitted use.

Mr. Wolff stated yes.

JEAN GREENBAUM, Casa Buena Drive, said in addition to her comments made in her September 23<sup>rd</sup> letter, but the purpose of the study was to get community input. She noted on page 26 of the recommendations, it was not acknowledged that all recommendations did not receive widespread support, particularly housing. Therefore, the Council is making a decision to rezone without widespread support from the community. She said the environmental review would apparently have to be done for every project proposed, but she thought the idea was to look at the area in general and have a global policy. She thinks the Town will 'open the floodgates' to developers to develop another WinCup and she cited traffic impacts.

She also thinks the impacts are cumulative and she asked for a more inclusive vision and not what the Town can allow developers to do at a later date. She referred to page 28 of the Negative Declaration and said there would be introduction of new sensitive receptors and the area could result in increased potential exposure of toxic air contaminants or objectionable odors, and she voiced concern with hermetically sealing senior citizens in their homes. She thinks the study is good for guidance when developers request a zoning change, but it is too speculative to include housing.

CHERYL LONGINOTTI, Tamal Vista Boulevard, said there is a bigger uncertainty in the future beyond WinCup. There is a transportation revolution going on and Dick Spotswood took a right on an electric assist bicycle and he said "it is a reasonable means of transportation with a radius of about 10 miles from one's home. It's not for everyone but it's true for far more folks that I believed before I took my test ride." There is also ride share with Uber and Lyft and a recent partnership has been made with Whistlestop in Marin. The biggest uncertainty is the future of autonomous vehicles so to defer residential rezoning in this area based on not knowing what will happen with the WinCup project is not smart. The Planning department would have to redo all of the work done and the Town would miss the opportunity to create affordable housing which is needed.

Last Spring Valerie Pitts spoke to the Women's Club and she mentioned the loss of 3 or 4 teachers because of their long commutes. Therefore, this is not something that should be deferred. It may have some impacts on transportation and parking, but there might be less demand for parking and less congestion. She read a blog from the large firm of Walker Parking Consultants and the blogger asked "Will the use of autonomous vehicles decrease the need for parking spaces close to a destination? Should we contemplate designing parking structures for future conversion to other land uses as demand actually decreases?"

She hoped that the Town Council keeps in mind to zone for the future and not presume that traffic will increase just because there is residential, particularly for senior and disabled housing.

JENNIFER LARSON, Willow Avenue, said she attended a number of workshops which she thought were well done. There is a disconnect between what people heard in terms of people interested in housing and affordable housing and what she experienced. In looking through the study there was the word "montage" that brought out comments from people and words like traffic, greenery, small town character, Book Passage, small stores. The small number of people not living in the area was those who were talking about needing more housing. Therefore, she does not believe the area does not need to be zoned anything other than what it is zoned now. She thinks uses like car repair shops or paint shops are needed as it is much more desirable to go to these places locally instead of having to drive to Novato.

She also noticed a report from April 2016 and Councilmember Condon had spoken with someone at HUD and the Department of Fair Housing of Marin and they made mention of the fact that if anything were rezoned for mixed use and a developer proposed housing, this would have to take first priority over any commercial use, and she asked that this be factored into the decision. She thinks the will of the people is to keep things the way they are, as sometimes change is not always the best thing.

CHRIS BRETTIGAN, Monona Drive, supported comments of Ms. Larson and suggested that the report talk about the number of cars per acre and not just the number of units per acre. She said it is getting harder for her to turn left or right from Monona Drive onto Madera Boulevard now. She does not see how any traffic plan can be done to support the change in zoning until the 180 unit Tam Ridge development is open for a while or a new hotel. The number of cars going through this corridor as well as deference for housing over commercial development it is scary for those living in the area and asked the Town to wait until Tam Ridge is open.

GARRETT GRAYLEU, Corte Madera Inn, said they have submitted a development application to the Town for redevelopment of the hotel and said if the Council through their entitlement process ultimately does reject their application, they will be subject to the new MX-1 zoning regulations and these are important to them.

In general, he supports the work of the planning department in developing the regulations. He thinks the new permitted and conditional uses are appropriate and make sense and the new restrictions in terms of height and setbacks all make sense as well.

He has two concerns; one of which relates to the street improvement area. He acknowledges that it makes sense to require a developer to do improvements but as written, that area can be up to 20 feet and this is a substantial take-away from the property owner. They have a lot of frontage along Tamal Vista and he thinks an area up to 15 feet would be more reasonable. Secondly, he referred to the FAR. He is not suggesting the Council change the .34 FAR standard, but it would make sense to consider there could be times when developments beyond that would make sense for the Corte Madera community. He asked for some type of provisions for the Planning Commission and by extension, the Council, to consider densities of a greater development if it is determined that it would benefit the community. He suggested providing this as an option as it would not be an entitlement to a developer, but it would provide for more flexibility.

SCOTT HOCHSTRASSER, IPA, Inc., representing the owner at 41 through 71 Tamal Vista in the Market Place, stated they have a different take on the public comments. He referred to Attachment 10 and their letter they presented to the Planning Commission. They were successful in working with Town staff through the process to get what he would call a 1950's list of commercial uses brought up to a 21<sup>st</sup> century plan.

There is one thing left in that list of uses on page 69 of Attachment 4 called, "Specialty Retail Uses" which requires a conditional use permit for a specialty retail use if it is not otherwise listed. What is listed for example is a radio and stereo shop, but not a computer store or phone store. To Councilmember Lappert's point, a shoe shine store might require a conditional use permit if not listed. They had asked in their letter on page 3 which is page 108 in the packet, if the Planning Commission would consider either a) defining what a specialty retail store is or b) just permitting those because this could be a computer store or a cell phone store or something else in the next 10-15 years. The Planning Commission did not take that recommendation, but he is asking that the Council consider this tonight.

Lastly, he thinks staff did a phenomenal job and also providing outreach. He has been waiting 5 years to get the zoning changed at the Market Place. They filed a rezoning application, held back when the Council adopted a moratorium and they have worked with staff that has done a tremendous job in reaching out to the community and putting together a package that addresses his issues with a list of reasonable uses in the Market Place. The

only thing they have to ask is to consider either striking the requirement for a use permit for specialty retail or defining it in the ordinance on that page.

Mayor Bailey asked how the current zoning inhibits businesses at 41 through 71 Tamal Vista or why is the new proposed zoning helpful.

Mr. Hochstrasser said the Council heard from the owner of the Book Passage that that has been a non-conforming use since about 1992. There are other uses that come along that they do not even recognize in the list which is specialty retail and a conditional use permit and this requires time, energy and expense, as well as staff's time to review. A jewelry store could be specialty retail but it happens to be listed. The list of uses that were brought forward out of the old zoning has changed from conditional to permitted uses.

Mr. Wolff said staff fully acknowledges in the report that housing was a debated issue throughout the public process. He thinks this was represented fairly and they disclosed exactly why staff at the time of the report recommended moving forward with allowing housing at a density they thought was relatively modest. This was brought forward to the Planning Commission and another public hearing was held where they discussed not allowing housing, conditionally permit everything, allow it by right and so they continually asked and checked that question. Therefore, he wanted to state and clarify this was part of the process.

Mayor Bailey asked and confirmed that the existing proposal is to zone it as a mixed use district which would potentially allow for housing.

Vice Mayor Furst asked for an explanation regarding the comment regarding HUD's or HCD's requirements that would affect what can be developed in this area. In particular, she asked if there is the possibility that the decision-making process would be taken away from the town and they would be forced to accept something they are not envisioning with this document.

Mr. Wolff said that when allowing for housing, first and foremost is the state density bonus law. First, a developer would have to propose housing on one of these sites and the density bonus would increase what is allowed. There is no way around that so automatically there will be more housing than not, and this is dependent upon the amount of affordability in the project. The Town has inclusionary housing rules that require the applicant to provide affordable housing on site in certain amounts. By complying with the Town's regulations, they will qualify for the density bonus.

Depending upon how much affordability is proposed, the developer could request for a concession, incentive or waiver of a development standard from the Town. The Town undertook a number of ordinances when updating its Housing Element in early 2015. One ordinance requires people to apply for the density bonus and show the Town what concession they are requesting as part of their application. The project cannot be denied unless the Town shows it was not needed for creating the affordability.

Vice Mayor Furst noted that all of this is part of the state-allowed density bonus program, including concessions, and she asked what is beyond the density bonus.

Mr. Wolff said tucked in the Housing Element law in the state code are anti-NIMBY provisions which state that if there is 20% low income housing provided on the site, the Town cannot deny the project except for health and safety reasons. This is another limit the Town might otherwise have; however, the Town is proposing conditional use permits for any housing but this would constrain the ability through the use permit to deny a project. He thinks this has been recognized as a challenge to outright deny a project. Other than that, there are some fair housing laws that speak to anti-discriminatory practices, but he was unsure of any law that restricts development of housing.

Councilmember Condon said not only is the Town forced by state and federal laws, there can be no impediments to housing or this is punishable which is usually complaint-driven. What really concerns her with what has been done and why she would like to postpone this is to prevent the loss of control the Town had with the Tam Ridge development. What is not mentioned here is an Assembly Bill (AB 744) put into law in October 2015 which states "This bill would, notwithstanding the above described provisions, (if a development had 10% affordability) additionally prohibit at the request of the developer a City/County or City and County from imposing a vehicular parking ratio inclusive of handicapped and guest parking in excess of .5 spaces per bedroom." Therefore, if a one-bedroom unit is developed, it only requires a half of a parking space and the Town cannot change this.

Councilmember Condon stated the HUD rule came about as a result of a lawsuit with Westchester County featured in CNN where the County was reluctant to do a fair share of housing and as a result, there were lawsuits brought against Westchester and enforced that a larger amount of affordable units were required.

Vice Mayor Furst asked if this has a provision that directly relates to mixed use designations. Councilmember Condon said yes; it is complaint-driven. If a resident, an activist group or developer goes to HUD and complains that the Town resisted compliance, then the complaint proceeds.

Vice Mayor Furst asked if the Town is covered from complaints if it requires a conditional use permit for residential housing. Councilmember Condon said if it is a conditional use and the Town denies the project, the charge can be brought against the Town that it is impeding the right to develop housing.

Vice Mayor Furst said the claim is that the Town can be forced to accept all residential with no commercial, but the Town is trying to keep this mixed use with a modest amount of residential and she asked if the Town is protected. She does not want the intent here to be misconstrued; she would like to create something that is comfortable for the community, has some local serving businesses, a modest amount of housing to meet RHNA requirements, but she does not want that to be changed at the whim of any developer who wants to come in and do no commercial but a lot of high density residential units. She asked if the Town is protected to prevent something like that and get what the Council is envisioning here.

Town Attorney Riddle said he was not familiar with the Westchester lawsuit to determine how that process or holding would be applied here. It seems that making residential development a conditional use permit strikes a balance. It is not being made as a right or denying it outright. He added that HUD just issued a new diversification regulation dealing with affordable housing and not providing any housing opportunities may also raise issues. Therefore, it is difficult to predict what HUD and the state may do in the future. If the Town wants to provide housing, there are risks involved and these will be there if the Town does not provide housing. But this is a policy decision for the Council.

Councilmember Condon said it puts the Town at risk because they do not have control over what the development might be. What she envisions which would be more favorable is, if for example the Town develops senior housing and an application comes before them, they can identify a site as a good location for senior housing and rezone it accordingly.

Mr. Wolff said right now the requirement is that 10% of the project must be reserved for commercial floor area. What could potentially occur is a housing developer says they want to build a number of units and the requirement to build the commercial space is counter-productive to their affordable housing goals and they would ask for a concession. This would kick off discussion but this is how that discussion might take place. Theoretically, if there was no willingness to discuss other options, the Town might end up with a proposal that does not include commercial development through the concession.

Councilmember Condon said because the Town requests a large front setback to provide sidewalks, a bike path, etc. she asked what would happen if a developer requests a concession to this.

Mr. Wolff said there would be a discussion about how this precludes the developer from building their project. The Town would have to show it does not preclude the setback but the burden would be on the Town. He said the application process is set up for the developer to provide their financial information to the Town which would show this. He recognized concerns about the loss of local discretion on aspects of housing development projects, but the reality is that this occurred with the development on 1421 Casa Buena which was approved in January 2015. It went through the density bonus law and it had some height increases, but as a concession they did not ask for other things and it is not necessarily always going to be the worst thing; however, it is a possibility. He would therefore look to more examples.

Vice Mayor Furst said her other question piggybacks on Mr. Hochstrasser's comments who mentioned the specialty retail. If someone wants to open a shoe shine shop or computer shop, she asked how the Town can ensure there is enough flexibility to allow for these types of shops.

Mr. Wolff said the current code is set up such that all commercial districts have permitted and conditionally permitted uses. The challenge becomes trying to define all of these broader categories that may be okay and separating those things as conditional which the Town feels should require more discretion, such as higher traffic uses or operating hours, and it leaves more room open for interpretation when making a decision. Staff did not feel like it wanted to re-design the Town's entire system of how it categorizes each particular use.

Vice Mayor Furst asked if the process is straight forward for the Town to be able to amend the list of uses allowed as needed, stating she would like this to be as easy as possible for local business owners to be able to open appropriate shops.

Mr. Wolff said specific conditional use findings would need to be made by the Planning Commission and these relate to traffic or whether the use is similar to other uses already allowed, etc.

Mayor Bailey said he believes the need for a list of conditional uses has been answered. There were thoughtful comments in the packet from the public and he referred to why the Town couldn't relax parking standards to be within a half-mile radius than a quarter mile from a transit area. Mr. Wolff said they decided not to because parking is a tough issue.

Mayor Bailey asked if Mr. Wolff feels like the Town's ability to exercise some control over how the area is developed is weakened or strengthened by the new regulations. Mr. Wolff said he thinks it is increased as compared to the existing zoning because development standards increase the look and feel of what the Town will get. It allows more uses but the actual development is much more predictable than the past.

Mayor Bailey asked if the Town is considering performing a traffic study now and Mr. Wolff said the traffic study has been done and in the report and he introduced Ms. Whitlock who wanted to provide comments.

DALENE WHITLOCK, W Trans, Santa Rosa, said they prepared a traffic study and took the future buildout traffic projections from the General Plan that included all land uses currently envisioned including Tam Ridge, looked at the differences between what would have been projected based on land uses today, added the future trips with changes and then ran the analysis. It showed it does not deteriorate the level of service beyond LOS D.

Mayor Bailey said one concern raised was why the Town would permit residential

construction of any kind. Mr. Wolff said it is consistent with the General Plan adopted in 2009 and if housing was not allowed, he would recommend the Town amend its General Plan. This was the starting point and then discussion occurred over the year as to whether or not housing was appropriate or not. Housing would not be incompatible with surrounding land uses and it is near many residential amenities and pathways that would encourage walking and biking. There are several mixed use land use areas in Town besides this corridor that exist in commercial areas and all of those this area probably lends itself best to residential development.

Mayor Bailey asked if there is any reason why language could not be added giving greater aesthetic control to the Planning Commission when applications are presented to them. Mr. Wolff said the Town has this control but could always further revise its design review findings and guidelines if this is requested.

Mayor Bailey asked if the Planning Commission explicitly considered spot zoning for an arts and entertainment use in the area. Mr. Wolff said no, this did not come up at the public hearings at all, but did surface at the first workshop. Since that time it has not been something vocal through the process.

Mayor Bailey said one Planning Commissioner raised a serious concern about whether there are health safety issues from a planning perspective in allowing for the development of residential construction that close to the highway.

Mr. Wolff said this was one of the reasons why there is a conditional use permit because it would allow the Town to request analysis through the CEQA process that would show what mitigation measures are necessary based on the specific location and site plan proposed for housing. He would also say that the General Plan also puts in place mitigation measures to ensure certain issues were considered relative to housing in close proximity to highways. He thinks the measures include filtration systems and enhanced window systems, etc. and these are covered in a memo in the packet.

Mayor Bailey called up Nicolo Caldera, Planning Commissioner, and said he read the comments, minutes and Mr. Caldera's memo and asked him if they considered the fact that health safety concerns can be addressed on a per project basis, and, if there is insufficiency in addressing triggers to sensitive receptors and asked if they could be addressed on site.

NICOLO CALDERA responded that in his opinion, he did not think there were measures that could be taken when building next to a freeway. He noted that the centerline of the corridor is 300 feet from the freeway and he questioned whether filters would address the issue. Even though best practices and measures are found through the type of construction, filters, etc. which can be implemented, the Town is still proposing development in an area which is not the best to build residential. He questioned who would want to live there. He thinks the Town is promoting second class residential location by proposing development here.

Councilmember Andrews asked and confirmed Mr. Caldera is a professional architect. He said once a building is built, he asked how one would know in 5 years that the person hired to maintain and replace filters has done this properly. Mr. Caldera said you do not; when building residential, people need to open windows and construction should be done which respects the environment.

Mayor Bailey reviewed the staff recommendations for the Council to consider.

Councilmember Lappert suggested each Councilmember have a chance to provide their opinion on the recommendation. He said each development would have to be reviewed on a case-by-case basis and as a conditional use permit. He does not think it is the Council's job to determine if an area is safe, but one of zoning. He recognized the amount of work by planning staff, residents, consultants, and the Planning Commission.

He said he did not think the Council can make policy on what they might feel could be the future. The reality is that there is a shortage of housing and if they build residential, people will rent or buy it because they need it, and this is the Council's job. This neighborhood is a mixed use area and it is the Council's job to enhance that use and provide the neighborhood with reasonable commercial and residential uses that serve them. He said he was in support of all three recommendations and said the main reason there are traffic problems is because of the schools and nothing else.

Vice Mayor Furst thanked staff, the consultants and the Planning Commission and public for putting in many hours of hard work. The work allows for comfortable future development in a neighborhood that is primarily residential on one side and it will allow for uses on the other side that work with residential development, such as neighborhood serving commercial and mixed use.

A lot of thought went into the setbacks, pathways, heights and the Council has an opportunity to allow for some modest housing, neighborhood-serving commercial to ensure what they do not get is the highway serving commercial that would detract from what the neighborhood is right now. She therefore thinks a change should be made.

She also thinks back to the difficulty the Council had in the last two Housing Element cycles when they tried to accommodate their RHNA. They are a tiny town and are built out. They know they need to determine in another 4 years how to accommodate housing in the community. The Council held a lot of discussion about whether or not they could place housing on the Wornum Drive extension and no one wanted it but it became logical for many reasons. This is an opportunity to allow for some modest development where they can count it towards the Town's RHNA and fit into the community properly.

She asked if not here, then where should development occur? The Town knows it will be asked to provide more housing and this is a way to have it work with the community and work with the existing residential development across the street.

In addressing transportation, many things are futuristic and she would be very uncomfortable with any reduction in parking. The state legislature gets involved in this and the Town has the opportunity to change this in the future, but they are not there yet. The Council will be looking at changes in the way they live their daily lives, but for now they cannot do anything about it. She suggested the Council think about how the Town will address its next RHNA cycle and said it will not be easy. They know the constraints in Town and this rezoning affords the Town some flexibility that she thinks will be very workable in the community. She also asked the Council to reflect on her comments regarding high school traffic. There will always be traffic and she suggested continuing to find ways to address it, but she voiced her support of the rezoning.

Councilmember Condon thanked everybody who worked on the rezoning work; however, she thinks it falls short in one of the biggest controversies that came with Tam Ridge, which is parking. She has developed mistrust for the laws that are imposed upon the Town and WinCup was one. Everybody said at the time not to worry and then the Council's hands were tied. Just the fact that the new Assembly Bill reduces parking worries her. If housing has special needs, parking cannot exceed .3 parking spaces per unit. Therefore, she asked where staff would park and she does not feel it will force a paradigm change where people will ride bikes more. Seniors will want to drive cars. She feels the Council is looking at something that sounds good but they are taking a risk. She thinks the Town has already taken enough risk and is feeling the effects still on Tamal Vista.

She noted that the thrust of this came through the desire of the Council to develop regulations because of what happened with Tam Ridge. It is still not open and she suggested revisiting the matter once Tam Ridge opens to truly see how parking and traffic are affected. She thinks this is premature and wishes they had the law on their side to

extend the moratorium, but she suggested waiting. In the meantime, she would support commercial development with large setbacks, landscaping, bike paths, etc., but no housing for now. She sees too much of tonight's discussion similar to the discussion when the Council was updating the General Plan and Housing Element.

Mayor Bailey asked and confirmed that Councilmember Condon was supportive of the commercial component but not mixed use. Mayor Bailey stated the items are not parsed out. Councilmember Condon suggested making changes than taking it all or nothing, and Mr. Wolff confirmed there is this option.

Mr. Riddle commented that the Initial Study would apply no matter what is decided on the second and third item. Mr. Wolff said staff has thought about this, given the conversation about residential development. They think the CEQA analysis that was done is broader in scope, given the Town already allows commercial at .34 FAR in this district today. CEQA will be appropriate for the analysis done regardless of whether it is modified to have housing or not, and staff would probably want a follow-up report to this effect for the record.

Councilmember Andrews asked and confirmed with Mr. Wolff that if the Council voted to make it all residential or all commercial, the CEQA document would suffice.

Councilmember Condon said rather than using "mixed use" throughout the document, state "commercial" and to revisit it when Tam Ridge opens.

Councilmember Andrews said he shares Councilmember Condon's misgivings about putting in housing in this area. He said the Council is looking at the small rectangle and ignoring the fact it is right next to Madera Gardens. In looking at the entire area, it is de facto a mixed use activity.

In terms of housing, he shares the misgivings of having people living right next to the freeway. He does not believe living there or having people live there will be good for their health. Traffic is an unknown until such time as Tam Ridge is operating and his suspicion is that the Town is fearing it more than what will be realized, but they will not know until the time the project is completed.

Lastly in terms of water, the Town has been through a recent drought and they are discussing increasing the numbers of households by 10%. People were asked last year to reduce water consumption by 25%. If 184 units came on line along with Tam Ridge's numbers, the usage base would go up by 15% which is not good long-term planning. Therefore, he is willing to vote for this if it excludes housing.

Councilmember Lappert said if Councilmember Condon wants to make it all commercial, why someone would rent commercial space when there are no residents to supply products to, and he thinks this would devalue the commercial value of the property.

Councilmember Condon said businesses need customers and right now there are businesses that are hurting a bit. However, those living in the 180 units at Tam Ridge will use services without having to drive, and Councilmember Lappert disagreed. Councilmember Condon said the Town has not seen the consequences of Tam Ridge and she suggested seeing how it impacts the residents and businesses.

Councilmembers debated back and forth about parking, residential concerns, business success and ability for future development, RHNA numbers for the next cycle and traffic congestion.

Mayor Bailey said in his view the Council considered a lot of input and concerns. The original idea was to put together a consistent set of rules and regulations which he thinks has occurred. A lot of input has been received and while not perfect and agreed to by all, it

will never be. It is important to retain as much local control as they can and is not insensitive to the idea that the Town does not want another Tam Ridge type of development, but he is also not driven by that fear. The Town has an opportunity to take proactive measures to keep as much control as they can and this strikes an appropriate balance. There is sufficient analysis and years of work behind them where the Council can make a decision. He said he could make the necessary findings and would support a motion.

MOTION: Moved by Lappert, seconded by Furst, and approved by the following vote: 3-2 (Ayes: Furst, Lappert and Bailey; Noes: Andrews and Condon).

To adopt the Resolution Adopting a Negative Declaration Pursuant to CEQA Guidelines Section 15074

MOTION: Moved by Lappert, seconded by Furst, and approved by the following vote: 3-2 (Ayes: Furst, Lappert and Bailey; Noes: Andrews and Condon).

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

MOTION: Moved by Lappert, seconded by Furst, and approved by the following vote: 3-2 (Ayes: Furst, Lappert and Bailey; Noes: Andrews and Condon).

To adopt the Resolution Approving General Plan Amendments Changing the Land Use Designation for 75 Tamal Vista Boulevard from Public/Semi Public Facilities to Mixed-Use Commercial and Adding MX-1 to the List of Applicable Zoning Districts in the Mixed-Use Commercial Land Use Designation

## **7. BUSINESS ITEMS**

- 7.1 ~~Discussion and Possible Direction to Send Comment Letter to MTC-ABAG Regarding Town Council Comments on Preferred Scenario for Plan Bay Area 2040~~  
(Report from Adam Wolff, Director of Planning and Building)

Mr. Wolff gave the staff report, stating he has included information received from MTC and ABAG regarding a preferred scenario that ultimately turns into a final scenario which ultimately affects their projections for the region's growth in terms of households and jobs to 2040. They are mandated to make these projections and then fund transportation projects.

He said Corte Madera's numbers show that between 2010 and 2040, it is a growth of 450 households which is an 11.5% increase in households. It is about a 12% increase in jobs over that same time period. There is information relating to how they arrived at baselines which provides some clarity, as they have used UrbanSim which is a modeling program to help them create projections.

He understands this is a challenging job to project anything on this scale and they try to make it as scientific as possible based on local General Plans and policies and other development factors. They are asking that the Town provide comment which is difficult given the lack of information as to how numbers are projected.

Mr. Wolff referred to the maps included in the report which lump Corte Madera and Larkspur together and seem to be relatively accurate as to what both cities' density ranges are for households and for jobs. He did not think these projections are entirely

unreasonable or are off by a huge margin, given what the General Plan allows for, but nonetheless, the Town is being asked to comment and he is seeking authorization to provide a letter.

Vice Mayor Furst asked why the Neil Cummins parcel appears to be zoned for commercial.

Mr. Wolff said he saw this earlier and was not sure why and there was little reasoning as to whether the UrbanSim program is accurate or not. His guess is that since they were addressing jobs, they look to their public and semi-public zoning districts and General Plan designations, which the school, DMV and the MMWD site have this designation.

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

Vice Mayor Furst said today she submitted a Public Records Act request to MTC and ABAG asking for all quantitative and qualitative information used as inputs to MTC's UrbanSim Land Use Forecasting Model, which factored into and influenced Plan Bay Area's scenario numbers for Corte Madera. She also asked for any other information that may have factored into the calculation for Corte Madera outside the UrbanSim model and she asked for a list of UrbanSim program outputs or other reports related to Plan Bay Area land use or transportation modeling which MTC and/or ABAG is willing to provide to Bay Area municipalities upon request.

She visited the website for UrbanSim and it seems like it is easy for them to generate reports, but they are not being offered, and is incredibly frustrated with the lack of information that has come from ABAG and MTC over the years. She will alert the Council if she receives a response, but the deadline for response is October 14<sup>th</sup> and this will not be able to come back at the next Council meeting. She recommended the Council consider an ad-hoc committee of herself, another Councilmember to work with Mr. Wolff in drafting a response and factor in any information she receives back.

Councilmember Andrews questioned jobs and housing numbers and the availability of water. Vice Mayor Furst asked that staff retrieve previous comment letters, stating she believes the Council formulated an extensive letter on Plan Bay Area that addressed water and other things. Likewise, a comment letter was submitted at the last RHNA cycle.

Mayor Bailey and Councilmembers supported this direction and also to indicate the consistent lack of information on the methodology and process of arriving at information.

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

To authorize Vice Mayor Furst and Councilmember Andrews to work with Mr. Wolff and send a comment letter to MTC-ABAG Regarding Town Council Comments on Preferred Scenario for Plan Bay Area 2040

7.II ~~Consideration and Possible Action to Approve Supplemental Appropriation for Long Term Financial Plan~~  
(Report from David Bracken, Director of Public Works/ Town Engineer / Assistant Town Manager)

Town Manager Cusimano said the request is for a supplemental appropriation of \$50,000 to the adopted Capital Projects Budget. This is a follow-up from the August 2<sup>nd</sup> Council meeting where Libby Seifel and Craig Hill provided the Council with an overview of their work for Phase I of the project which is Attachment 2. They also provided next steps for Phase II which is also attached in Attachment 1, and he could comment on these. The work seemed to be well received by the Council and the public and something staff recommends moving forward with.

Mr. Cusimano said he has been very impressed with them and their work in recommending changes to the budget, and he strongly recommended Council approval.

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

Mayor Bailey said he had asked Mr. Warman about the cost of the supplemental appropriation, stating he had missed the August meeting. Mr. Warman suggested speaking with Mr. Bracken about it. The most important issues facing the town are land use issues and a long-term financial plan, and he likened it to “mission creep.”

Vice Mayor Furst disagreed with considering it “mission creep”. This is much more than a long-term financial plan and it has been from the very beginning. She said it also addresses improved budgeting and reporting requirements, functioning in the department, upgrades to the accounting system which will streamline processes, and therefore, this is more than just a plan.

Councilmember Andrews stated that to build the plan, the Town must build the ‘infrastructure’ it does not currently have.

Mayor Bailey said he likes the fact that it also coincides with the new Town Manager’s hiring.

Mr. Cusimano concurred and said both consultants have a strong handle on the Town’s finances and they know the Town’s issues. If the second phase is not implemented, it will set back the Town at least 18 months and he sees them as even expanding their role in moving forward.

Mayor Bailey asked if there will be a Phase III, and Mr. Cusimano said he did not know. It will be dependent upon personnel within the Finance Department. It will take time with the current structure, personnel, transition, technology, and whether the Town implements a one or two year budget.

Mayor Bailey said he would support the request, but commented he was somewhat concerned about the cost of the work, but recognized the need for change.

Vice Mayor Furst agreed and said the Town should not pinch pennies, but should do it right and concentrate on its long-term financial plan.

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

To Approve Supplemental Appropriation for Long Term Financial Plan

#### 7.III ~~Review of Draft October 18, 2016 Town Council Agenda~~

Mayor Bailey asked if junior second units will be agendized. Mr. Wolff stated it will first go to the Planning Commission for discussion and then an ordinance can be drafted two weeks later, and thereafter to the Town Council. He noted that new state law just passed and it was better the Town waited, given they were changed.

#### 7.IV ~~Approval of Minutes of September 20, 2016 Town Council Meeting~~

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

To Approve Minutes of September 20, 2016 Town Council Meeting, as submitted

**8. ADJOURNMENT**

The meeting was adjourned at 10:52 p.m. to the next regular Town Council meeting on October 18, 2016 at Town Hall Council Chambers.