

REGULAR MEETING
OF THE
CORTE MADERA TOWN COUNCIL AND SANITARY DISTRICT #2 BOARD

In the Town Hall of the Town of Corte Madera, on Tuesday, November 7, 2007, at 7:30pm.

PRESENT: Mayor Gill
Councilmembers Condon, Dupar, Lappert, Condon

Town Manager David Bracken
Senior Planner Dan Bell
Planning Director Bob Pendoley
Assistant Town Attorney Veronica Nebb
Minute Recorder Joanne O'Hehir

COMMISSIONERS PRESENT

Patrick Pagnillo, Planning Commission
Joel Josehart, Planning Commission

OPEN SESSION

Salute to the Flag

Mayor Gill announced that the Council had met in closed session and there was nothing to report. She noted that this meeting will be adjourned in memory of Ben Larson, a well loved resident who was active in the community.

1. OPEN TIME FOR PUBLIC DISCUSSION

James Jordan, 42 Mohawk, noted that the agenda posted on the Website showed that tonight's meeting started at 6.30pm.

In response to Harry Schriebman, 1 Cay Passage, the Town Manager said that work on the pump stations in Mariner Cove has been budgeted for the next fiscal year.

2. COUNCIL AND TOWN MANAGER REPORT

- Town Manager Report

The Town Manager introduced Joanne O'Hehir, the meeting's minute taker. He then noted the following:

- The Third General Plan Workshop on Community Design will be held at approximately 8.30pm, Tuesday, November 13th, following the Planning Commission Hearing;

- The Flood Control meeting will take place tomorrow night at 7.30pm.
- The Town Manager reminded everyone that Dave Montero's retirement dinner will be held on Friday 16th November, and the Volunteer Recognition lunch on Friday, November 30th, 2007;
- The contract has been awarded for street overlay project, the work will commence in the spring. Repairs to the High Canal Levee are nearly complete;

In response to Mayor Gill, the Town Manager said that a report will be presented on the Greenbrae Interchange project at the next meeting.

- Council Reports

Councilmember Condon asked that the Council reconsider the Social Host Ordinance.

Councilmember Lappert reported that the Library building is in need of repair and is seismically inadequate. He further reported on the new Police Department Building, for which negotiations continue on Corte Madera's participation and costs.

CONSENT CALENDAR

Town Items

MOTION: Moved by Condon, second by Dupar, and carried unanimously by those present, with Yang absent.

To approve Items 3a, 3b, 3c, 3d, and 3d on the Consent Calendar.

- 3a. Approved Warrant and Payroll for the Period October 12, 2007, through October 31, 2007, Warrant Check Numbers 117966 through 118131 and Payroll Check Numbers 2170 Through 2192, Payroll Direct Deposit Numbers 10143 through 10249, and Payroll Wire Transfer Numbers 648 through 655
- 3b. Approved Investment Transactions for the Month of August, 2007
- 3c. Approved Investment Report for the Month of September., 2007
- 3d. Approved Responses and Authorize the Mayor to Sign Responses to the Grand Jury Concerning Report Entitled "Retiree Health Care Costs: I Think I'm Gonna Be Sick"

Sanitary District Items

MOTION: Moved by Condon, second by Dupar, and carried unanimously by those present, with Yang absent.

To approve Items 3e, and 3f on the Consent Calendar.

- 3e. Approve and Authorize the Board President to Sign Letter to Grand Jury Concerning Report Entitled “Retiree Health Care Costs: I Think I’m Gonna Be Sick”
- 3f. Adopted Resolution No. 2007-5 Accepting a Sanitary Sewer Easement and Maintenance Agreement

PUBLIC HEARING

- 4. Discussion and Possible Action Concerning Introduction of an Ordinance Implementing a Floor Area Ratio (FAR) Development Standard for the R-1 and R-1-A Residential Districts

The Senior Planner presented the staff report. He discussed the reasons for the ordinance, noting that it should provide more criteria for design review guidelines and provide a better understanding to the homeowner on the size of house they could develop. The introduction of an FAR standard in residential areas should avoid excessively large and contentious projects, while the range of FAR values should ensure a reasonable livable area for smaller lots.

The Senior Planner presented a slide summarizing FAR standards that are implemented in other jurisdictions. Comparing a similar sized lot in other cities, the proposed FAR values would allow, on average, a larger home in Corte Madera. He also discussed those items which the Planning Commission suggested should be counted towards FAR, which include garages. The Commission also discussed net area of land, and they identified aspects of a parcel that would not be counted towards FAR, such as those parts covered by water.

The hearing was opened to the public. In response to a member of the public, the planner said that existing regulations for height and lot coverage will remain in place.

Brendan Canning, 73 Golden Hind Passage, expressed concern that the new regulations would affect projects that are currently in the planning process. In response, the Planning Director said that the new rules would only be applied to a project that had already been deemed approved or complete if the homeowner wished to amend the plans.

In response to Stuart Tanenberg, 66 Birch, who questioned the necessity of FAR rules, Mayor Gill explained that a FAR standard had been discussed for a long time, and that it should provide a useful planning tool to prevent houses being built that are considered too large.

Brian Brown, 9 Summit, explained the reasons he supports the introduction of FAR, using his own home as an example.

Bob Bundy, 89 Golden Hind Passage, also supports the concept of an FAR. He believes that some new homes in Mariner Cove are too bulky and impact others, although to insist that those already in the planning process conform to the new rules would create ill-will.

Joel Josehart, Planning Commissioner, explained the reasons that an FAR standard is considered valuable. He said that it will provide clear guidelines to applicants as to the size of home they

can build, and help to manage the expectations of those who wish to build second stories, the numbers of which have been increasing. Mr. Josehart believes that it will make for a smoother process if potential homebuyers know how much they are able to build or add to a property before purchasing a property.

Councilmember Condon congratulated the Planning Commission and staff for establishing FAR guidelines. She believes that the planning process will be easier for those involved if the new rules are implemented.

In response to Councilmember Dupar, the Senior Planner said that a higher level of findings will still be necessary for homes on Christmas Tree Hill, although the FAR cap might have reduced the size of some of the projects that have been built. Furthermore, large parcels might not be affected by FAR but findings of compatibility would still need to be made.

In further response to Councilmember Dupar, the Planning Director suggested that the rules be implemented the moment they come into effect. They should apply to those applications that have been deemed incomplete, in addition to future applications.

MOTION: Moved by Condon, second by Dupar, and carried unanimously by those present, with Yang absent.

To introduce an Ordinance No. 900, an Ordinance Amending Sections 18.04.260, 18.04.265, 18.04.530, 18.08.220, 18.08.320 and 18.08.040 of Title 18 of the Corte Madera Municipal Code, to Add Regulatory Standards for Floor Area Ratio (FAR) in the R-1 and R-1-A Residential Districts, by title only, waiving further reading.

BUSINESS ITEMS

5. Discussion and Possible Action Concerning Adoption of a Resolution Accepting the Draft Town Park and Community Center Master Plan

Mayor Gill discussed the project, noting that this evening's discussions will not constitute any action to implement the plan. She discussed the inadequacy of the present facilities, and the reasons she wishes the Council to accept the plan before them.

The Director of Recreation and Leisure Services introduced Bill Harris, Harris Design, Janet Tam, Knoll & Tam, and Bob Goldman, Goldman Financial Co., consultants for the project.

Mr. Harris presented an overview of the plan. He noted that the committee spent 18 months obtaining community input by way of surveys and workshops, which has resulted in the current plan. He said that the preferred option is to build a new center, and noted that the skateboard park and softball field would be relocated and improved. Furthermore, a better drainage system has been designed, along with new restrooms and a concessions building; and the family picnic areas will be improved. He discussed other enhancements to the park entrances and the west lagoon area, and noted that an increase in parking spaces has been recommended.

Janet Tam, building architect, described the recreation center building in more detail, which will incorporate all the areas in the present building, such as the community hall, but which will be larger. She said that the cost of running the present facilities will continue to rise due to their age, and that the subsidy for a new building would be lower. Ms. Tam discussed the estimated construction costs.

Mr. Goldman addressed funding sources, which include contributions from the General Fund and a voter-approved tax measure.

Pat Ravasio, 427 Oakdale Ave, expressed concern over the size of the new building, which would require a greater revenue stream that would need to be obtained by renting out the facilities to other communities. She believes the size should be scaled back to reduce costs and that the facilities should be reserved for the use of residents of Corte Madera.

Bob Bundy, 89 Golden Hind Passage and a member of the Steering Committee, said that some aspects of the plan look good and that if money were no object, this is something that could happen. He said that this is a long term project, and that a remodel and changes to the entrances were considered due to the cost of the project.

Julia Allecta, 10 Woodhue Lane, agrees that the facilities need improving, but not to this scale. She is also concerned that the new facilities will be rented out to other communities in order to meet their costs, rather than being reserved for the use of Corte Madera residents. She commented on the process and said that she did not favor the use of artificial turf.

Cliff Olsen, 28 Mohawk, agrees with the comments made by members of the public. He is opposed to the plan because it is hugely expensive and because the fields will be rented out. He said that the increased parking facilities will cause him problems.

Harris Holzberg, Corte Madera resident, is in favor of the project. He said that the size of the recreation building was scaled back, and he discussed parking in more detail. Mr. Holzberg said that the existing fields will be improved, and that the artificial turf will make some of the areas usable all year round.

Chuck Conrad, 121 Golden Hind, said that the poor condition of the current Recreation Center is due to a lack of maintenance rather than structural problems. He believes that there are other town projects that should be treated with more priority, such as flood control.

Stuart Tanenberg, 66 Birch, favors the project; said that a huge demand exists for Park and Recreation Services; and noted that this project is a concept.

Mayor Gill said that fields are not being added and improvements are being made. She supports the conceptual plan.

Councilmember Lappert noted that a project is not being approved, this evening; that they are voting on a conceptual design that has been drawn up with input from local residents. He noted

that the building is not significantly larger because other facilities have been knocked down, and that the new facilities will not be built in the near future. Councilmember Lappert said that the report has been well done.

Councilmember Condon expressed concern about the discord heard this evening.. She said that community spirit is missing, and that consensus on this plan might be hard to reach if people feel it is excessive. However, she will support this concept that improvements to the facilities are needed, but will not necessarily support this plan if it comes to fruition.

Councilmember Dupar said that a great deal of effort has been put into this plan, and that the actual running costs of the project should be considered, rather than the amount needed to improve the facilities. The facilities will be better and larger and in twenty five years time, the size will not seem so big. Councilmember Dupar said he would support the document because it will be appreciated in years to come and the Town will be more enhanced by having something like this rather than throwing it away and beginning again.

Mayor Gill noted that systems do not last forever, even with maintenance.

MOTION: Moved by Lappert, second by Dupar, and carried unanimously by those present, with Yang absent,

To adopt Resolution No. 3533, Accepting the Draft Town Park and Community Center Master Plan.

6. Discussion and Possible Action Concerning Introduction of an Ordinance Amending Chapter 8.04 of the Corte Madera Municipal Code to Add Section 8.04.040 Permitting Goose Management at Public Parks

The Director of Recreation and Leisure Services presented the staff report to amend a chapter of the Municipal Code pertaining to goose management in public parks. She explained that the problems caused by geese affect the public's health and safety, in addition to decimating the fields. She noted that approval has been obtained from various organizations for the methods that are proposed to deal with the geese.

James Jordan, 42 Mohawk, commented on the necessity of using humane methods of dealing with the geese. Mayor Gill noted that that this has been discussed at great length in previous hearings; and that the dogs will be trained and licensed.

MOTION: Moved by Lappert, second by Condon, and carried unanimously by those present, with Yang absent,

To introduce Ordinance No. 901 Amending Chapter 8.04 of the Corte Madera Municipal Code to Add Section 8.04.040 Permitting Goose Management at Public Parks by title only, waiving further reading.

7. Discussion and Possible Action Concerning Introduction of An Ordinance Of The Town Council Of The Town Of Corte Madera Adopting The 2007 California Fire Code And 2006 International 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 #876

The Deputy Fire Chief presented the staff report.

MOTION: Moved by Lappert, second by Condon, and carried unanimously by those present, with Yang absent.

To introduce Ordinance 902 adopting the 2007 California Fire Code and 2006 International 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 #876, by title only waiving further reading.

8. Discussion and Possible Action Concerning Introduction of An Ordinance Of The Town Council Of The Town Of Corte Madera Adopting And Amending The 2006 Edition Of The *International Wildland-Urban Interface Code*, Regulating And Governing The Mitigation Of Hazard To Life And Property From The Intrusion Of Fire From Wildland Exposures, Fire From Adjacent Structures And Prevention Of Structure Fires From Spreading To Wildland Fuels In The Town Of Corte Madera; And Further Providing For The Issuance Of Permits And Collection Of Fees.

The Deputy Fire Chief presented the staff report. He said that this code concerns access to properties, water supplies and vegetation management, for example, for properties undergoing a substantial remodel; and on a map he indicated which areas of town the State has suggested to include in the Code.

In response to Mayor Gill, the Deputy Chief said that the new rules would apply to those remodeling 50% or more of their home and he stated that a letter was sent to homeowners and workshops have been undertaken to educate residents.

David Moore, 102 Summit, believes that further measures need to be taken regarding vegetation removal and the Council should consider mandatory removal of pyrotechnic trees.

Patrick Pagnillo, 276 Sausalito Street, is concerned that homeowners in the areas affected by the proposed rules will find it difficult procuring insurance. Furthermore, there is a great deal of vegetation in the Town that renders these measures ineffective. The town needs to build a defensible zone around the town where materials are removed to form a fire breaker; dead and decaying mass should be removed. He recommends that the Town Council not adopt the new rules.

Cliff Olsen, 28 Mohawk, is concerned that these measures would be expensive for the homeowner without being effective.

Brian Brown, 9 Summit, noted that while he has paid thousand of dollars updating his home and maintaining his property, the properties on either side of his home are marginally maintained and the owners are not required to improve their properties.

Werner Maasen, 312 Summit, supports the comments of the previous speakers. He believes the new rules will burden the few homeowners who update their properties with additional costs, but the measures will be meaningless on the overall effect of fire control.

In response to Councilmember Lappert, Mr. Sprehn noted that the State has not adopted the new Fire Code and thus it is not necessary for it to be implemented.

Mayor Gill said that more study is required, and she is not ready to endorse the new Fire Code.

Councilmember Dupar suggested that the additional costs involved be evaluated, and more community outreach take place with a view to considering the changes next spring.

Councilmember Condon would not wish to see this item postponed too long.

The Deputy Fire Chief noted that the regulations will take effect in areas designated by the Town and that the State has merely recommended areas it believes should be included.

MOTION: Moved by Dupar, second by Lappert, and carried unanimously by those present with Yang absent,

To postpone a decision on adopting an Ordinance to adopt and amend the 2006 Edition of The International Wildland-Urban Interface Code, to allow staff to investigate further the building material upgrades and associated costs, and determine the area that would be affected by the new Code.

9. Approve Minutes of October 16, 2007

MOTION: Moved by Lappert, second by Dupar, and carried unanimously by those present with Yang absent

To approve the minutes of October 16, 2007

ADJOURNMENT

The meeting was adjourned at 10.30pm.

This meeting was adjourned in memory of Ben Larson.