

**FINAL MINUTES**

**TOWN OF CORTE MADERA  
ACCESSIBILITY ADVISORY COMMISSION  
SEPTEMBER 14, 2009  
CORTE MADERA TOWN HALL COUNCIL CHAMBERS**

Commissioners      Chair Robert Czeck  
Present:              Barbara Becker  
                            Ted Meyer  
                            Stuart Tanenberg

Staff Present:      Town Manager Dave Bracken  
                            Walt Grenecke, Building Official

1. Call Meeting to Order

Chair Czeck called the meeting to order at 7:03 p.m.

2. Introductions

Introductions were made.

3. Approval of Meeting Minutes of July 13, 2009

M/s, Czeck/Becker, to continue approval of the meeting minutes of July 13, 2009.

Ayes: All

4. Old Business

Chair Czeck stated he would like to rearrange the order of the agenda.

A. Higgins Landing Boat Dock Update Tamalpais

Planning Director Pendoley presented a staff report. He stated the prior plan included a 100' long movable ramp that would rise up and down with the tide and land on an "L"-shaped floating dock that would be 36' long by 20' wide. This would be a fixed walkway. Mr. Kevin Jensen, resident, pointed out there was an issue with the data related to the water levels (a mix up in the mean-low low water level vs. NGVD data). This has been corrected. Mr. Jensen, along with Ms. Penny Wells, suggested the following: 1) make the movable gangway about 3' longer resulting in a constant 8% slope; 2) install a small boarding ladder. He noted an important consideration was parking and he discussed the bus stop area that would be lengthened and widened to accommodate the accessible parking spaces. He discussed the idea of having "loading and unloading" spaces and stated this still needed to be sorted out. Redwood High School has allowed the use of their parking lot which does have some disabled parking spaces but the path of travel was not ideal. The California Department of Boating and Waterways is not willing to fund this necessary path of travel. Planning Director Pendoley stated that Cal Boating is committed to funding the project and their estimate for construction costs is around \$430,000. The Town received a grant from Cal Boating in the amount of \$130,000 and they have approved the use of this money for environmental review and the permitting process.

Chair Czeck asked if the suggested additional three feet for the gangway would push the dock out three feet. Planning Director Pendoley stated "yes". Chair Czeck asked if the intent was to keep it in the water. Planning Director Pendoley stated it probably would not make much difference.

Commissioner Becker stated she was having a hard time visualizing a ladder. Mr. Jensen explained how the ladder would be installed and noted a lot of people find a ladder easy to use to help them get in and out of boats. Planning Director Pendoley noted many of these details would get resolved during the permitting process and in the working drawings.

Mr. Jensen discussed some of his ideas about the area for the parking spaces and a loading and unloading zone. He pointed out the area for the dedicated blue zone. Chair Czeck asked if there was any street parking in the area. Planning Director Pendoley stated “no”. Mr. Jensen pointed out a very large red zone within the Larkspur City limits.

Commissioner Meyer noted there were several iterations of the floating dock and he asked why the proposal for an elevated switchback, which would take up some of the grade, was abandoned. Mr. Jensen stated it was a matter of functionality.

Planning Director Pendoley stated the next steps included holding Public Hearings at the Planning Commission level and approval of the environmental document. The document would be a Mitigated Negative Declaration which asserts that the project would not have any substantial impacts on the environment. Some of the concerns would probably include aesthetics since this is a big structure. Some in the environmental community are concerned about docks in general and the impacts to wildlife. He noted docks are routinely approved. Once the Planning Commission has adopted the Mitigated Negative Declaration then the permitting process begins which would include several different agencies (BCDC, etc.).

Commissioner Tanenberg asked if the planning process included sending a notice to Larkspur residents. Planning Director Pendoley stated the notice included residents within a 300-foot radius.

Commissioner Meyer asked about closures and whether or not access would be limited during nighttime hours. Town Manager Bracken stated there are no plans at this time. Planning Director Pendoley stated it would probably be open 24/7.

Commissioner Meyer noted the cost to the Town for this project was next to nothing. Town Manager Bracken stated there were staff costs and “nothing was free”.

Chair Czeck asked about the timeline for completion of the project. Planning Director Pendoley stated they could be 12 months away from obtaining all the permits. Town Manager Bracken stated there was a small window of time for construction along Lucky Drive due to environmental concerns.

Mr. Jensen stated Ms. Wells was adamant about having a water faucet for washing off the boats.

Chair Czeck asked who would be responsible for maintenance. Mr. Jensen stated there was little maintenance needed.

Commissioner Meyer noted there are no boat dock standards approved on the Federal level and he asked if there has ever been a challenge regarding compliance with ADA standards. Mr. Jensen stated there was precedent for this but it came down to local jurisdictions doing what was feasible. This plan would be very functional given the site constraints.

The Commission thanked everyone for the countless hours of work spent on this project.

#### B. Discussion regarding Planning & Building Departments and ADA Issues

Planning Director Pendoley presented a brief staff report.

Building Official Grenecke stated a lot of people have a misconception about how ADA works and noted the California Building Code has its own accessibility regulations which predate the Federal standards. When the Federal ADA standards were first published there were questions from building officials in

California. There were some formal opinions rendered from the State Attorney General's Office that said that building officials only need to enforce California's disabled access regulations. California's regulations are almost identical with some minor differences. Projects are subject to these regulations only if they were constructed at a time that the codes existed.

Town Manager Bracken asked how a complaint, such as the inability to gain access to a restroom in a public building, but unrelated to a construction project, would be handled. Building Official Grenecke stated he would do a file search and if the building had never been remodeled from the time the regulations were enacted then there would be no violation under the law. He would inform the business about the issue of accessibility. Town Manager Bracken stated this was an important point. He asked about a complaint regarding the inability to get across the curb ramp located in the right-of-way in front of the building to cross the street. Building Official Grenecke stated it was the same scenario but a lot of the right-of-way issues fall out of his jurisdiction and were within the purview of the Public Works Department. Most of the time built environments are on private property that could gain compliance by doing a variety of things.

Town Manager Bracken referred to Ordinance No. 893 which created the AAC and the goals and objectives of the Commission. He stated the main push for creating the Commission was to address complaints and in particular right-of-way complaints. These are more complicated in terms of when the street was built, how it was built, and what it would take to fix them. He discussed the recent joint meeting between the Council and the Commission when the Commission expressed the desire to review plans that crossed the Building Officials desk. He noted Building Official Grenecke was well versed in accessibility codes and enforcement. Commissioner Tanenberg stated he had the impression from the meeting with the Council that they wanted to expand the purview of the Commission into other things that were not covered in the ordinance. Town Manager Bracken stated he thought that the Council was trying to impress the importance of the Commission at that meeting. He was not sure it was a good idea for the Commission to be reviewing all building plans. Commissioner Becker agreed. Planning Director Pendoley stated there were some gray areas that do not involve the building codes (such as the dock) where they need a forum to play the issue out. Town Manager Bracken stated the right-of-way issues were sometimes vague and determined by court decision. Building Official Grenecke stated the difficulty with overlapping the public right-of-way issues with private development issues is that the building code says one must provide access to the public way (sidewalk) but there is nothing in the building code that requires property owners to fix the sidewalk. Planning Director Pendoley discussed the need to create a "nexus" within a project.

Building Official Grenecke stated State law recently changed and requires all Building Department to have its own disabled access specialist (certified) on staff by 2013.

### C. Tamalpais/Corte Madera Avenue Overlay Plan Review

Town Manager Bracken presented a brief staff report. He noted this was the only project of any magnitude that the Town will be undertaking this year. He added this is really a paving, and not an accessibility, project. This project will probably go out to bid sometime in January in order to get favorable bids in the wintertime and to help with cash flow. Chair Czeck had questions about the bidding process.

Town Manager Bracken noted his is grant money that is fully funded. He pointed out the areas where they would have problems with compliance. He stated the Public Works Department has always used Marin County Standards and CalTrans Standards. He discussed the path of travel issues and problem areas. He stated the profile of the street (about 7%) and its slope results in some problem with the installation of the ramps. Most of the streets were built with a 5% cross slope and the overlays would increase the slope. He stated it could be considered a hardship to have to re-grade the entire street. The Town has hired an expert in accessibility right-of-way codes and regulations. He will be reviewing the project. He would like the Commission to do another walk-through with the consultant.

Commissioner Tanenberg stated the Town hired a consultant to review the path of travel from the bus stop from Redwood down to Town Hall who concluded that there is not safe accessible path because of the topography, incline, etc. Commissioner Becker stated she did not see the need for those ramps since it was very dangerous for disabled individuals to cross Tamalpais near Town Hall due to the excessive speed of cars. Town Manager Bracken stated they have to put the ramps in because they are paving the street. He

noted they would be building some ramps that would be called “hardship”. He would get the Commissions’ input.

Commissioner Meyer stated they need to provide a path of travel from the disabled stalls to the sidewalk near the hillside and retaining wall area. Town Manager Bracken stated that needs to be worked out.

Commissioner Meyer asked if there has been a full topographic map done for the area. Town Manager Bracken stated “yes” and it is quite detailed.

## 5. New Business

### A. Meeting Frequency

Town Manager Bracken stated he might need to cancel the October meeting but he would like to bring the consultant to the next meeting which could be in November.

Chair Czeck stated he would like to set up the agenda for the next meeting at the end of the current meeting. Changes could be made a week or two before the meeting.

Chair Czeck was concerned that meeting quarterly would break their continuity and it seemed like the consensus of the Commission to continue its monthly meetings. Meetings could be cancelled on an as needed basis. Commissioner Becker stated she would prefer to meet monthly.

## 6. Commissioner Reports

Town Manager Bracken briefly discussed the Richard Skaff lawsuit and noted they were able to get Mr. Skaff to specify particular sites.

Commissioner Tanenberg referred to the crosswalk/path project on Lakeside Avenue and stated they built a new drain on the south side of the path going towards Hickory Avenue. He stated there is an 8” to 10” drop-off coming from the path. All they did was put in a big orange cone. Town Manager Bracken stated he was went to the site but was looking at something else and he would need to take another look. He would take care of it.

Commissioner Meyer stated he would like to create subcommittees for relevant issues.

Commissioner Meyer asked about the status of the vacant Commission position. Town Manager Bracken stated the City Clerk has re-advertised in the Independent Journal, Twin Cities Times, Town Newsletter, and the Friday mailing. She sent out two applications and received no response. They will re-advertise soon.

Commissioner Tanenberg stated he would like to discuss any issues related to accessibility in terms of Recreational Program. Town Manager Bracken stated he would set that up with Recreation Director Fiorentini.

Chair Czeck stated the following items would be on the November agenda: 1) Discussion with Assistant Town Attorney Abachi, 2) Report on the problem with the new drain at the Lakeside Avenue path project.

## 7. Adjournment

Chair Czeck stated the next meeting is scheduled for Monday, November 9<sup>th</sup>.

The meeting was adjourned at 9:20 p.m.