

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

In the Town Hall of the Town of Corte Madera, on January 20, 2009 at 7:30 p.m.

PRESENT: Mayor Dupar  
Councilmembers Cock, Condon, Lappert, Ravasio  
  
Town Clerk Christine Green  
Twin Cities Police Chief Phil Green  
Director of Planning/Assistant Town Manager Robert Pendoley  
Assistant Town Attorney Veronica Nebb

CLOSED SESSION

Closed Session Pursuant to Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Town Manager, Town of Corte Madera  
Unrepresented employee: Corte Madera Fire Department Battalion Chiefs

Mayor Dupar reported that the Closed Session was cancelled.

OPEN SESSION

Salute to the Flag

OPEN TIME FOR PUBLIC DISCUSSION

Harry Schriebman distributed a copy of this year's Mariner Cove Homeowners Association newsletter.

2. COUNCIL AND TOWN MANAGER REPORTS

Councilmember Condon provided the following report:

- She attended the LAFCO meeting; ABAG representatives were present to discuss the possible implementation of Senate Bill 375 which focuses on greenhouse gas emissions as it relates to housing and global warming. ABAG commented on, but could not yet clarify, how this may relate to the MTA and federal transit funding. ABAG discussed a strategy that proposes to encourage growth in the area of transit hubs, specifically San Rafael and Novato. ABAG will have received comments from all jurisdictions by February 9<sup>th</sup> and will present a third scenario which addresses all of the unknowns.

Councilmember Ravasio provided the following report:

- He attended the Twin Cities Shuttle meeting where they discussed the first ridership numbers received following the route change. They have determined that while ridership numbers are approximately the same, use of the service has changed. Ridership on the extended route from Greenbrae to Redwood has greatly increased while the connection to the Larkspur ferry

terminal seems to have had no impact and will most likely be discontinued. A Marin Country Day School parent has asked for the route to be extended there as it would be a better use of the existing route and the request is under consideration. There was further discussion on the \$1 fare reduction which did increase ridership, but goes against the policies of the Transportation Board as all route fares would have to be decreased if this reduction remains.

Mayor Dupar provided the following report:

- The Central Marin Sanitation District met last week. The plant experienced a malfunction with the generator that burns the methane gas produced as a byproduct of the sewer system. As a result, they are flaring off the gas and can be expected to do so for the next month. They discussed partnering with solid waste agencies to take food waste from various restaurants, which could produce enough methane to fully power the facility. Implementation of this system would cost approximately \$2.5 million but realize full cost recovery in 2-3 years;
- The MTA will provide a workshop that reviews the history and future goals of the agency. Anyone interested in attending can contact him for the date.

#### CONSENT CALENDAR

- 3a. Approved Warrant and Payroll for the Period December 23, 2008, through January 14, 2009, Warrant Check Numbers 122034 through 122228 and Payroll Check Numbers 2717 Through 2750, Payroll Direct Deposit Numbers 12939 through 13098, and Payroll Wire Transfer Numbers 828 through 839
- 3b. Adopted Resolution No 3582 Amending Resolution No. 3535, Fixing Compensation and Establishing Certain Benefits for Certain Employees of the Town of Corte Madera Commencing December 17, 2007
- 3c. Adopted Resolution No. 3583 Allowing Signs on Public Property Advertising the Tidalwaves Swim Team Sign Ups
- 3d. Approved and Authorized the Mayor to Sign Letter to the Marin County Civil Grand Concerning Homeless Issues
- 3e. Bayside Trail Park Improvements, Project 06-014 – Adopted Resolution No. 3584 Awarding Contact and Authorize Expenditures for Construction

MOTION: Moved by Condon, seconded by Ravasio, and carried unanimously by those present,  
To approve Consent Calendar Items 3a through 3e.

#### BUSINESS ITEMS

#### 4. General Plan/EIR Workshop

The Director of Planning/Assistant Town Manager presented the staff report, stating that the goals of the workshop are to provide an overview of the updated General Plan and draft Final EIR that the Planning Commission has recommended for adoption, identify issues that the public and Town Council would like to explore further, and establish a schedule for the review and adoption of both.

Mr. Pendoley explained that the process began in 2001 and expands upon the current plan to establish important initiatives in the areas of sustainability, neighborhood protection, and mixed-use development. Most implementation programs are continuations of existing programs and as such, would not affect the budget; however, the draft General Plan also proposes cost associated programs such as updating the Zoning Ordinance, establishment of design guidelines, and community plan development. This edition of the plan also includes new policies created in response to State enforcement of AB 32, which requires reducing greenhouse gas emissions in California to 1990 levels by 2020.

Mr. Pendoley outlined the mandated General Plan elements which include land use, circulation, housing, conservation, open-space, noise, and safety and added that the Town Council voted to additionally discuss flooding, parks and recreation, and community design. The draft General Plan has three principle themes dedicated to preserving and enhancing the Town's identity, natural resources, and community-building efforts. Initiatives include retail and housing development at both The Village and WinCup properties which is needed to comply with State housing laws and reduce greenhouse gas emissions; development of design guidelines for residential, commercial, and infrastructure development; retrofitting of Town buildings for alternative energy systems and the use of hybrid and alternative fuel vehicles and transportation; circulation to improve local roadway systems, bikeways, and pedestrian paths with a high priority on the reconstruction of Tamalpais Drive overcrossing.

The draft General Plan was written to be self-mitigating; nevertheless, there are six impacts that are not mitigated by the plan as it is currently drafted. These include the jobs/housing imbalance, traffic to Highway 101, greenhouse gas emissions, ozone, noise, and water supply. CEQA requires that the EIR analyze reasonable alternatives to a project, including the option of "no project." The draft EIR analyzed the following alternatives:

- Alternative 1 – No project
- Alternative 2 – Village Shopping Center Mixed-Use Project
- Alternative 3 – Gateway Development Project (WinCup property)
- Alternative 4 – Village-Gateway Combination Development Project

The Planning Commission found that Alternative 4, allowing for 195,000 square feet of new retail space and 480 new housing units, would have the least impact and revised the draft General Plan to incorporate these mitigation measures. Mr. Pendoley then presented the council with a proposed hearing schedule.

Mayor Dupar questioned what constitutes a change significant enough to require that the draft General Plan and EIR return to the Planning Commission. Mr. Pendoley explained that any policy change would require submission to the Planning Commission. The Assistant Town Attorney further clarified that only policy changes not yet considered by the Planning Commission would require review; any option previously studied and rejected by the Planning Commission could be selected by the Town Council without requiring review.

Mayor Dupar opened the public comment period.

Harry Schriebman questioned the deadline on State mandated housing requirements. Mr. Pendoley clarified that the requirement is only to create a plan indicating that the 244 units are a viable option and the proper zoning is in place. The deadline for the plan is June 30, 2009; the Town may not meet that deadline and noted that most communities also do not.

Inga Morrison, 27 Lakeside Drive, referenced the Macerich letter and noted that it includes a request for additional retail space without offering a commitment to create housing and expressed frustration that the letter does not seem to offer any sort of compromise. Mr. Pendoley could not speak for Macerich but did explain that an earlier draft which established a ratio between feet of commercial space and housing unit production was rewritten to allow a specified number of commercial feet and housing units.

Ms. Morrison questioned and confirmed that the “gravel lot” at the end of The Village is Town owned and will remain as open-space.

Michael Harlock, 533 Redwood Avenue, questioned the level of priority the creation of design guidelines are given in the General Plan. Mr. Pendoley stated that the guidelines are a second level priority that first requires the Zoning Ordinance to be updated for consistency with the General Plan. It is estimated that this will occur within the next two years and he added that the guidelines are somewhat dependent upon the budget, as they require design expertise that Town staff does not have.

Mayor Dupar closed the public comment period.

Councilmember Lappert expressed concern over aspects of the plan, specifically the linking of permit fees with a General Plan maintenance fee, code enforcement of issues such as “visual blight,” and collaborating with BCDC to mitigate ocean levels. Councilmember Lappert acknowledged the intent of these ideas, but questioned the actual costs associated with the actions and stated he has a sincere problem with issues that exceed the Town’s purview.

Mr. Pendoley said policies within the General Plan can be edited at the Town Council’s discretion. He noted that certain policies are mitigation measures whose change may result in significant repercussions and staff will highlight those as they are discussed.

Councilmember Condon referred to Councilmember Lappert's comments on visual blight enforcement. She said that this is an opportunity to give staff and police the authority to control situations which have become health and safety issues but are currently unenforceable due to a lack of written policy. She argued that past circumstances have very often involved repeat offenders and the lack of authority was very frustrating for staff. She doubted that enforcement would result in any real fiscal impact.

Councilmember Lappert disagreed, noting that the policy requests increased manpower to assist with enforcement and that any such enforcement could likely result in litigation which would increase costs further.

Councilmember Cock asked how to submit comments in the event that a Councilmember is absent for any of the hearings. Mr. Pendoley recommended that those comments be submitted prior to the meeting via email so that they can be included in the agenda.

Councilmember Ravasio questioned and confirmed that EIR Alternative 4 has the least environmental impact despite the fact that it adds the greatest number of housing units.

Mayor Dupar noted that he would be absent from the February 3<sup>rd</sup> meeting and suggested that the schedule be pushed back by one meeting. Councilmembers Cock and Condon noted they would be absent from the March 17<sup>th</sup> meeting. Mr. Pendoley said he expects the Town Council to require more hearings than are currently proposed.

Council members agreed to begin the hearing schedule on February 17<sup>th</sup>.

The Town Clerk asked Councilmembers to alert her if they will be absent from any upcoming meetings so that the agendas can be set accordingly. Mayor Dupar pointed out that March has an additional Tuesday and staff agreed to consider scheduling an additional meeting on March 31<sup>st</sup>, if necessary.

5. Approve Minutes of January 6, 2009

MOTION: Moved by Cock, seconded by Ravasio, and carried unanimously by those present,

To approve the minutes of January 6, 2009, as drafted.

ADJOURNMENT

The meeting was adjourned at 8:22 p.m. to the next regularly scheduled meeting on February, 3, 2009.