



1 conventional generation, renewable premium; discussed how CCA rates can stay at or below  
2 PG&E; the ability to initiate long-term contracts from scratch to achieve rate stability; said there is  
3 the ability to pre-pay power purchase using bonding with a 5% discount and asset financing; and  
4 discussed the availability and cost of renewables which shows the market is starting to mature. She  
5 said Phase III begins with release of the final business plan, city and county deliberations and votes  
6 on participating in a JPA which will occur through study sessions; the formation of the JPA is  
7 planned for December 2008 with the implementation plan submitted to the California Public Utilities  
8 Commission (CPUC) in early 2009 and an Energy service provider selected in the fall of 2009.

9  
10 Councilmember Condon asked if PG&E sees the alternative plan as having to change their structure  
11 to conform and, in effect, reducing their costs of powering jurisdictions. Ms. Weisz said they met  
12 with PG&E to discuss the matter, their message was one of objectives and they asked for assistance  
13 rather than forming a JPA. CCA also received a proposal from PG&E which outlined items they are  
14 required to do; they met again in January and they are contemplating ways of working together. She  
15 said PG&E has already done much to use cleaner sources of energy and there continues to be a high  
16 reliance on natural gas, nuclear power and hydro-electric power; however, PG&E is constrained by  
17 CPUC by not being able to treat some of their customers differently than others. She proposed  
18 forming a CCA and they would have access to municipal funding benefits and partnership with the  
19 CCA. She has not received a definitive response from PG&E and is still open to working with them.

20 In addition, PG&E has issued a new proposal which is moving closer in the direction--a three-year  
21 pilot program where they would offer everyone a 100% renewable mix product, but the way they  
22 would make it renewable is by buying energy credits. The products offered to customers would cost  
23 more, but there would be no direct purchase of renewable power flowing into the grid, no increase in  
24 local control, rate stability, or economic multiplier effect by keeping it locally, and most importantly.

25 Therefore, the program of PG&E has some benefits, but it is different in fundamental ways and will  
26 not capture the same benefits.

27  
28 Councilmember Cock asked why a CCA would keep more money in the local economy, and Ms.  
29 Weisz referred to the public goods charge on a PG&E bill and said all that money is put into a pot  
30 which funds projects throughout PG&E's territory. Marin does not get its full share of the public  
31 goods charge and if a CCA is formed, Marin will get it and use it for energy efficiency projects.  
32 Also, as the money is distributed some will go outside of the county to pay for power, but projects  
33 will be built locally and renewable projects will expand.

34  
35 Councilmember Dupar said he was very skeptical of the proposal and asked how selling bonds for a  
36 20 year purchase was any different than what Governor Davis had locked everyone into. Ms. Weisz  
37 said the JPA would own its own facilities and would take us out of the market. Councilmember  
38 Dupar questioned what would occur if prices go down, and Ms. Weisz agreed this was the largest  
39 risk.

40  
41 Tim Rosenfeld, consultant to the CCA project, said the concept is about unhooking from the  
42 conditions that occurred in 2000; the program is geared toward building and owning renewable

1 resources which have no fuel component. They are looking at public financing and investments and  
2 know over the next 30 years exactly what those costs will be and said they would have paid less  
3 money today if they had a CCA back in 2000. He discussed base load power, peaking power  
4 conditions, and said they are managed by the utilities, system operators and parties in the industry to  
5 provide power, and they would be selling excess into the grid which other companies do now.  
6

7 Councilmember Dupar questioned where the wind farms were located, and Mr. Rosenfeld said the  
8 closest farms would be Solano County, Sonoma County, the Oregon border, Tehachapi, and the only  
9 barrier to addition wind farms was the transmission capacity to locations which he said is changing  
10 toward infrastructure expansion.  
11

12 Councilmember Ravasio questioned the types of facilities which would be owned in Marin. Mr.  
13 Rosenfeld said solar thermal facilities only make sense in cloudless areas like the desert; they could  
14 see more installations of distributed energy such as rooftop solar; the costs still remain high but are  
15 coming down. He said wind is most cost effective; there will be more geothermal resources; and  
16 there are more areas opened up by the new transmission lines in Imperial Valley and Nevada.  
17

18 Councilmember Dupar questioned how stable the companies are that CCA would buy from. Mr.  
19 Rosenfeld said initially in the first 5 to 8 years the companies will provide the power with a  
20 guaranteed price and escalator. Large financial institutions are those who will be willing to bid for  
21 the business, which starts at 5% below PG&E's rates and more over time. Councilmember Ravasio  
22 confirmed the financial institutions were large private sector companies and most are already in the  
23 business.  
24

25 Mayor Lappert said countries like France generate 80% of their power through nuclear energy and  
26 he questioned why this could not be considered. Mr. Rosenfeld said nuclear is the most expensive  
27 way to generate power at a cost of \$4,500-\$6,000 per megawatt. Also, plants have not been built in  
28 20 years and there is no supply line to bring nuclear on-line.  
29

30 The Council thanked representatives for their presentation.  
31

32 OPEN TIME FOR PUBLIC DISCUSSION  
33

34 There were no public comments.  
35

36 2. COUNCIL AND TOWN MANAGER REPORTS  
37

38 - Town Manager Report - None  
39

40 - Council Reports  
41

42 Councilmember Ravasio gave the following report:

- He attended the “Every 15 Minute” presentation two weeks ago at Redwood High School and said it was an amazing production and very effective for students.

Councilmember Condon gave the following report:

- She attended the CDBG meeting and the group voted to support the staff recommendation to appropriate funds for specific agencies that serve the lower Ross Valley;
- As liaison to the Chamber of Commerce, she attended the Chamber’s Board meeting; encouraged people to join the Chamber, and announced that Stan Hoffman, the Manager of the Town Center just signed an agreement with Crate and Barrel who will be moving into the Town Center Shopping Center.

### CONSENT CALENDAR

MOTION: Moved by Condon, seconded by Cock, and carried unanimously,

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

3a. Approved Warrant and Payroll for the Period March 12, 2008, through March 25, 2008, Warrant Check Numbers 119388 through 119520 and Payroll Check Numbers 2373 Through 2394, Payroll Direct Deposit Numbers 11106 through 11187, and Payroll Wire Transfer Numbers 712 through 716 and Wire – Twin Cities Police Monthly Payment

3b. Adopted Resolution No. 3549 Allowing Signs on Public Property Advertising the Corte Madera Community Foundation’s Summer Concert Series

3c. Adopted Resolution No. 3550 Allowing Signs on Public Property Advertising the Lions Club Luau

3d. Adopted Resolution No. 3551 Allowing Signs on Public Property Advertising the Beautification Committee’s Oktoberfest

3e. Adopted Resolutions 3552 In Opposition of Proposition 98 – California Property Owners and Farmland Protection Act

And

Adopted Resolution 3553 In Support of Proposition 99 – Homeowners and Private Property Protection Act

### PUBLIC HEARING

4. 6 Meadow Ridge Drive - Appeal of Planning Commission’s Action to Conditionally Approve Design Review Application No. 07-047 & Variance Application No. 07-019; Thereby Allowing Construction of 714 Sq. Ft. in Additions to a 2,365 Sq. Ft. Three-Story

1           Split Level, Single-Family Residence, Including a 28.9% Lot Coverage Where 25% Lot  
2           Coverage is Required, a 23 Ft. Front Yard Setback Where 25 Ft. is Required, and a 20.2  
3           Ft. Rear Yard Setback Where 35 Ft. is Required.  
4

5           The Town Attorney discussed the definition of a de novo or “new” hearing, saying the Town  
6           Council had the power to review all materials, take testimony, receive and consider new evidence,  
7           and was not limited to the information submitted to the Planning Commission. The Town Council  
8           can modify the Commission’s decision, substitute the decision, and/or view the application as if it  
9           never was acted on.

10  
11           The Associate Planner presented the staff report, providing background and description of the  
12           application; the public hearings held; revisions of the plans; and said the Planning Commission  
13           considered all of the design review and variance findings and approved the project at the February  
14           26, 2008 hearing. She described the request and stated that at the January 22, 2008 Planning  
15           Commission hearing, the Commission expressed a concern about the height of the addition and  
16           asked for alternatives to lower the ridgeline. The applicants revised their plans to lower the ceiling  
17           and ridgeline height by 9 inches and at the February 26, 2008 Planning Commission the project was  
18           approved with that revision. She also stated that on March 6, 2008, Stan and Julie Gray, of 8  
19           Meadow Ridge, filed an appeal of the Planning Commission’s decision.

20  
21           The Associate Planner discussed staff’s response to each of the appeal points and said the  
22           recommendation is to deny the appeal and uphold the Planning Commission action by directing staff  
23           to draft a resolution approving the project.

24  
25           Stan Gray, appellant, 8 Meadow Ridge Drive, presented photos of the existing water view of the  
26           bay, ferries, San Quentin and said both day and night views will be blocked if this project is  
27           approved. He said the addition would remove more than 50% of their view; said each home on  
28           Meadow Ridge is sequentially elevated and the Behnam’s addition would change the aesthetics of  
29           the neighborhood. He presented a side view of 8 Meadow Ridge and said reflective light now enters  
30           into their office; he discussed his own addition and said he was told to design it in harmony with the  
31           Meadow Ridge rooftops, which he did. He believes the Behnam’s allowed for no design  
32           alternatives; discussed some alternatives for the master bedroom on the meadow side, which sit  
33           much lower on the east side; a lower alternative over the garage; an alternative which can be  
34           excavated into the lot which is a good solution that does not impact the view; and an alternative to  
35           build off of the existing master bedroom suite. He presented views from a separate application  
36           (Kibbler) where the Planning Commission made efforts to maintain a view corridor; said the  
37           Planning Commission denied the application because of proposed screening and landscaping which  
38           would interfere with the view corridor of the neighbor; and said this was how the Town approached  
39           him when he built their addition to their master bedroom suite.

40  
41           Julie Gray, appellant, 8 Meadow Ridge Drive, thanked the Council for visiting their home;  
42           acknowledged that development is not a right but a privilege in California; said they cannot find a

1 regulation that states you may ignore the CC&R's; and noted architectural members had said the  
2 view is significant. She discussed their design and building approval process which took into  
3 account all neighbors' views; the alternatives proposed by her husband; read points identified in  
4 their appeal regarding blockage of light and views from main living areas; the belief that the matter  
5 is a neighborhood dispute; manipulation of the process by the Behnam's; required variances and lot  
6 coverage exceptions; the requirement to have the proposal approved by the Madera del Presidio  
7 Home Owners Association; and failure to follow the CC&R's. She discussed provisions of the  
8 municipal code that state the project will not significantly and adversely affect views, sunlight or  
9 privacy of any nearby residences; the number of variances granted with respect to the project; lack  
10 of findings to support the granting of the variance; and believed a compromise could be reached.

11  
12 Azadeh Behnam, applicant, 6 Meadow Ridge Drive, said their goal and only option is to add a  
13 bedroom and bath in order to care for her mother. She presented visuals of the neighborhood and  
14 similar additions over garages; visuals of the Gray's addition which she believed did not make it  
15 possible for a clear view of the bay; and noted there was already partial blockage by landscaping.  
16 The Grays addition was processed and approved by the Homeowners Association as a "utility room"  
17 and processed and approved as a "multi-purpose room" at the Planning Department. She said her  
18 home is larger, has a different floor plan, and a much higher peak than the Gray's home; the Gray's  
19 home originally did not have a view of the bay; presented differences of their roof line and design to  
20 the Gray's addition, setbacks and heights of both homes. Despite their efforts the Grays had decided  
21 to appeal this matter 3 days after the first Planning Commission hearing. Mrs. Behnam asked the  
22 Council to uphold their Planning Commission approval.

23  
24 Maureen Jochum, architect, said it is critical to the needs of her clients want to build the addition on  
25 the third floor and she believes the design carefully follows the Town's planning guidelines. She  
26 believes the Planning Commission agreed the addition is well-integrated into the neighborhood; she  
27 studied other possible locations on the third floor; said an addition proposed on the back of the house  
28 would create a three-story stacked structure which is massive and exceeds the 30 foot height limit by  
29 3 feet. Setback variance findings were not difficult to make because of other homes in the  
30 neighborhood; the zoning has been imposed on the neighborhood but is not reflective of the  
31 neighborhood. She discussed setbacks, found no reason why the Gray's were limited in their  
32 addition's roof height and believed they chose to avoid scrutiny and public comment in the design of  
33 their addition by avoiding a Planning Commission hearing and obtaining a Zoning Administrator's  
34 approval in 48 days. She discussed ceiling height of the rooms and the garage; access into the main  
35 levels, noted the Gray's floor plan is different. She feels that she has created an addition that meets  
36 her client's needs; it has been approved by the Planning Commission and the homeowners  
37 association, supported by Town staff; and she requested the Council uphold the Planning  
38 Commission's decision.

39  
40 Stan Gray, appellant, said the Planning Department dictated the design of their addition; he believed  
41 the downhill lots on Meadow Ridge are not the same as upper lots. He said this was not an arbitrary  
42 decision for them to build their addition this way and believed there were design alternatives for the

1 Behnam's addition. He noted the owners at 12 Meadow Ridge added something similar and it is not  
2 massive or bulky, and said he confirmed with two architects that various alternatives for the addition  
3 could be done.

4  
5 Julie Gray, appellant, said architects are aware that best practices call for applicants to work with  
6 neighbors which she said did not occur; heir own plan was approved in 48 days due to the time and  
7 efforts they spent working with neighbors and the architectural review committee. In summary, she  
8 said they were most impacted by the addition and were never approached by the Behnam's to meet  
9 or work through a compromise or alternative plan.

10  
11 Anthony Ellison, 21 Meadow Ridge Drive, noted his support for the Gray's appeal; said he served  
12 on the architectural review committee for 2-1/2 years up until January 2007; the committee never  
13 rejected any proposed plans for Meadow Ridge, although there were concerns raised by neighbors.  
14 He said what is compelling is that in this case the 4-member review committee all live on Meadow  
15 Ridge and found the addition would have an adverse impact on views and light. He believed it was  
16 a bad precedent to have the CC&R's and architectural committee approval be wholly discounted by  
17 the Town and to completely ignore the unanimity of the findings was a mistake.

18  
19 Joel Josehart, 107 Corte Madera Avenue, supporting the Behnam's application, said he served on the  
20 Planning Commission, resigning in December 2007; he helped the Behnam's with questions, as he  
21 has experience with second-story additions. He believed the project is well-designed; the view  
22 impact to be insignificant; described the situation as a neighbor dispute; and said the Gray's were  
23 attempting to appeal the matter even after the first Planning Commission meeting. He said this was  
24 the first he had seen of any alternatives proposed by the Gray's; and he sees the situation as nothing  
25 being acceptable by the Gray's minds.

26  
27 Kevin McGee, Home Owners Association Board President, said the Behnam's appealed the  
28 architectural decision to the Board; the Architectural Review Committee did not involve or solicit  
29 opinions from homeowners which was their job, and therefore the Board did. He did not think  
30 concerns represented the community's sentiment over the project; the Board felt that prior  
31 precedence had occurred by others; and they gave the Behnam's their approval.

32  
33 Stan Gray, appellant, said Commissioner Esteb had initial concerns about views being taken but later  
34 changed his mind and voted to approve the project. At the second Planning Commission hearing he  
35 said this application affects them; they did not initially understand the process regarding their  
36 request to appeal and asked the Council to consider their proposed alternatives and to consider their  
37 views and appeal points.

38  
39 Councilmember Condon complimented the architect on the design, stating when the design is  
40 isolated it is in context with the neighborhood. However, whenever there is an addition proposed  
41 there are always impacts. She looked at the property not having reviewed the staff report or  
42 comment letters and acknowledged the amount of emotion on the issue. She believed there was

1 always a potential impact to privacy, sunlight and views when a new project is proposed; however,  
2 according to the municipal code, development should be allowed while minimizing adverse impacts.  
3 She believed that if development was placed to the rear of the house, not only would 6 Meadow  
4 Ridge be able to get better views into the bowl and bay, but it would not affect residents at 8 or 4  
5 Meadow Ridge, and therefore be a win/win situation. She also stated that if the adjacent neighbor to  
6 8 Meadow Ridge were to add something similar, the Gray's would incur a tunnel effect and she felt  
7 this was not right. Councilmember Condon said she would like to see an effort be made to re-  
8 design the addition to the rear of the house and not impact views; she thinks it would have not only a  
9 negative visual impact for 8 Meadow Ridge but could have some negative impact on the value of  
10 their property. She believed it was not appropriate that 6 Meadow Ridge gain the addition at the  
11 economic expense of 8 Meadow Ridge.

12  
13 Councilmember Ravasio believed the situation comes down to impacts of the addition. He  
14 questioned the statement that views of the entire house must be taken into account cumulatively.  
15 The Planning Director said this is one of the most difficult determinations. Over the past 5 years the  
16 Planning Commission has looked at cumulative effects; they look at the entire property, and attempt  
17 to balance impacts. The Planning Commission determined the effect was not a significant, even  
18 though they acknowledged there was some view impact.

19  
20 Councilmember Dupar said he has seen many appeals and this was not an atypical situation. He  
21 questioned how the CC&R's and design review committee in Madera del Presidio differ from the  
22 Overlay District in Christmas Tree Hill in the sense of what can be built. The Planning Director said  
23 CC&R's are a contract among various homeowners and are recorded as a property right. They are a  
24 contract to which the Town is not party, the Town does not have any standing to deal with them.  
25 Christmas Tree Hill is an overlay district has explicit design guidelines which are codified as law  
26 into the Town's municipal code.

27  
28 Councilmember Dupar believed that CC&R's could also be overturned at any time based on the  
29 make up of the residents or the Board. Mr. McGee said there is language in CC&R documents  
30 which attempts to outline what is permissible and what is not. To formally change the CC&R's  
31 would require a legal process and vote by the Board and residents.

32  
33 Councilmember Dupar asked why a homeowner could build up when the CC&R's say they cannot.  
34 Mr. McGee said homeowners can propose development, it is the architectural review committee's  
35 standing that anything approved must pass muster with the Town's Planning Department and he  
36 believed they have had good luck with projects being accepted by the community or he would  
37 otherwise hear about it if it. He agrees that sometime in 2003 or 2004, the Planning Commission  
38 voiced concern with the number of applications and the Board wrote a letter to the Town as to why it  
39 was currently zoned as R-1-A district.

40  
41 Councilmember Dupar questioned if the design of the addition was done to match the inside of the  
42 existing house, and Ms. Jochum, architect, said yes with one priority being to keep the cathedral

1 ceiling in the living room. The bedroom in the front does have a vaulted ceiling. The owners liked  
2 the idea of mimicking the transom windows; she felt this made the design better and more relative to  
3 the neighborhood, and said in an effort to appease the Gray's, they also lowered the plate height by 9  
4 inches.

5  
6 Councilmember Dupar said he visited the Gray's home and acknowledged the issue of their appeal  
7 due to view corridor issues, and he believed that if the Behnam's considered pulling in 2 to 4 feet of  
8 the structure over the garage, it would add decrease the percentage of view loss to the Gray's as well  
9 as allow the Behnam's to expand.

10  
11 Councilmember Cock said in looking at the two houses side by side and reviewing all documents  
12 and going to the Gray's home, she agrees with staff that the main view of the house is of the bowl.  
13 While they now have a main view from their addition, the view eliminated by the Behnam's addition  
14 is not significant when looking at the cumulative views from the house because they would maintain  
15 the view to the street as well as the back deck looking in the same direction. Therefore, when she  
16 weighs this with the Behnam's putting an addition on and the possibilities of locating the addition  
17 and their needs for the location of the bedroom, she thinks the Council should follow the decision of  
18 the Planning Commission and deny the appeal. She did not believe the FAR was an issue because  
19 the application came in prior to the date of the FAR regulation changes.

20  
21 Councilmember Condon said it is up to the architect to make revisions and suggested a compromise  
22 be worked out between the two parties. She also believed the Behnam's could sell their property  
23 immediately after the addition is constructed; and that the consideration of applications should be  
24 based on property, not individual. The Council should consider how the project impacts surrounding  
25 properties more so than just the private use expressed by the Behnam's. She believed there was  
26 plenty of room where the architect could maintain the integrity of the design but at the same time,  
27 move back the addition slightly over the garage where it would be acceptable to all neighbors, and  
28 supported the plan be modified.

29  
30 Councilmember Ravasio questioned which took precedence; the right to build or a neighbor's right  
31 to views. The Town Attorney said this is the core question confronted by Planning Commissions  
32 and Councils; there are a set of regulations and California Law is clear that the right to build on  
33 property is a privilege, qualified by the community, manifested by the Council to ensure the  
34 community is not adversely affected, and this is the appropriate balancing act.

35  
36 Councilmember Ravasio said after having visited the site and attending the Planning Commission  
37 meeting, the addition would impede the view but he believed the Gray's primary view was oriented  
38 to the bowl. However, there was no attempt to work this out between the neighbors and he  
39 supported a compromise.

40  
41 Councilmember Dupar said when the Gray's purchased their home, they did not have the view; it  
42 was created through an addition, and he believed the neighbors could still work out their issues;

1 however, if they could not, he is in favor of denying the appeal.

2  
3 Mayor Lappert said he places a lot of weight and emphasis on the Planning Commission's decisions;  
4 he takes appeals very seriously; and believed Town staff is trained to arrive at the right solutions to  
5 problems. He believed the appeal centered around the lack of communication between parties;  
6 confirmed with the Behnam's that their relationship with the Gray's had deteriorated over a period  
7 of 9 years; acknowledged that the applicants were heavily invested in their proposal. He believed  
8 everything had been addressed properly by the Planning Commission and staff; believed that  
9 building on the back of the house would diminish the applicants' bowl view, acknowledged the  
10 Town cannot address the CC&R's and homeowner association issues; and he supported denial of the  
11 appeal.

12  
13 The Town Attorney said given the Council's inclination to vote on the matter, the Council had the  
14 option of denying the appeal without prejudice in order to allow the applicants to redesign, re-apply  
15 and be able to have fees waived for reapplication and have the matter come directly back to Council.  
16 Another approach would be to continue the matter for 60 to 90 days to allow the applicant to  
17 seriously think about redesign and if not, the application would come back for adoption of a  
18 resolution to adopt the project. The applicant could push the addition away from the street by 2-4  
19 feet to creating additional view for 8 Meadow Ridge and if this did not happen in the future, a  
20 resolution could be brought back to deny the application with appropriate findings. However, if the  
21 Council majority was to deny the appeal, then such a motion would be appropriate tonight.

22  
23 MOTION: Moved by Cock, seconded by Dupar,

24  
25 Vote: Ayes: Cock, Dupar, Lappert  
26 Noes: Condon, Ravasio

27  
28 To deny the appeal and uphold the Planning Commission action by directing staff to  
29 draft a Resolution approving the project to allow construction of 714 SF in additions  
30 to a 2,365 SF three-story split level, single-family residence, including a 28.9% lot  
31 coverage where 25% lot coverage is allowed, a 23 foot front yard setback where 25  
32 feet is allowed, and a 20.2 foot rear yard setback where 35 feet is allowed at 6  
33 Meadow Ridge Drive, as conditionally approved by the Planning Commission.

34  
35 BUSINESS ITEMS

36  
37 5. Set Meeting Dates for (1) Review of the Capital Improvement Projects and (2) Review  
38 and Adoption of the FY 2008/09 Budget

39  
40 The Town Clerk proposed, and the Council agreed, to the following dates for review of the  
41 Capital Improvement Projects and review and adoption of the FY 2008/09 Budget:

42

