

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

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

PRESENT: Mayor Dupar  
Councilmembers Cock, Condon, Lappert, Ravasio

Director of Planning/Assistant Town Manager Robert Pendoley  
Assistant Town Attorney Veronica Nebb  
Senior Planner Dan Bell  
Associate Planner Larisa Roznowski

CLOSED SESSION

Closed Session Pursuant to Government Code Section 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Susan Ross Kleinberg and Mauro Politi v. Town of Corte Madera; State of California Department of Transportation – Caltrans; County of Marin; Dee Ann Naylor, and Does 1 to 100

Closed Session Pursuant to Government Code Section 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Milne v. Mather, Town of Corte Madera

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Glenn Berkheimer, IEDA  
Town Manager, Town of Corte Madera  
Employee organization: SEIU Local 1021, Miscellaneous Employees

Mayor Dupar reported there was no reportable action as a result of the closed session.

OPEN SESSION

Salute to the Flag

1. OPEN TIME FOR PUBLIC DISCUSSION

No items were brought forth.

2. COUNCIL AND TOWN MANAGER REPORTS

The Assistant Town Manager provided the following report:

- He received a note from Ms. Morrison, who asked to address the Town Council during open time at the next scheduled meeting.

Councilmember Condon provided the following report:

- She was contacted by Elissa Giambastiani, former head of the San Rafael Chamber of Commerce and currently with the League of California Cities. Ms. Giambastiani or a League representative will address the Town Council to present an ordinance to establish Fair Campaign political practices. The ordinance has already been presented to, and is supported by, the county;
- She attended the Policy Committee meeting for the League of California Cities Housing/Community Development in Los Angeles. Discussion focused on the frustration surrounding bills that are passing through legislature quietly and create a lot of unfunded local mandates. She noted bills of interest which include a moratorium on all digital billboards pending further studies, limiting local area prohibition of windmills in non-urbanized areas regardless of zoning, and unfunded water district reporting;
- Proposition 1A slated for the May 19 Election relates to the recently adopted budget and would extend the tax increase for another year. The current budget accounts for nearly \$15 billion in reductions, increased personal income tax rates, and a nearly doubled vehicle license tax. While the League of California Cities supports the proposition, she recommends that everyone carefully read the fine print before voting.

Councilmember Cock provided the following report:

- She attended last night's Flood Control Board meeting where the Board voted on projects for the upcoming fiscal year. The Board is hosting a meeting this evening at the recreation center for the homeowners now required by FEMA to carry flood insurance;
- She attended the MCCMC meeting where speakers discussed upcoming State propositions and called these budget solutions the "best worst deal we're going to get;"
- She attended the Twin Cities/Greenbrae Interchange Workshop where they discussed project status and received feedback, which she has been asked that it be shared with the Town.

Mayor Dupar noted that TAM (Transportation Authority of Marin) is under the impression that Madera Drive will be closed during upcoming construction, and the town is on record stating this was not an option. He asked staff to issue another letter to Caltrans.

#### CONSENT CALENDAR

- 3a. Approved Warrant and Payroll for the Period March 11, 2009, through March 31, 2009, Warrant Check Numbers 122724 through 122889 and Payroll Check Numbers 2817 Through 2836, Payroll Direct Deposit Numbers 13426 through 13515, and Payroll Wire Transfer Numbers 864 through 871 and Wire – Stewart Title
- 3b. Adopted Resolution No. 3591 Allowing Signs on Public Property Advertising the 50<sup>th</sup> Anniversary of Redwood High School
- 3c. Approved Councilmember Attendance at the League of California Cities Housing,

Community & Economic Policy Committee Meeting

MOTION: Moved by Lappert, seconded by Cock, and carried unanimously,  
To approve Consent Calendar items 3a, 3b, and 3c.

PUBLIC HEARING

4. Draft Updated General Plan – Request for Continuance

The Planning Director stated that staff requires more time to complete its final report and is requesting a continuance to the meeting to April 21, 2009.

Richard Scott, Estrada Lane, questioned and confirmed that discussion on the General Plan policies would be postponed to April 21, 2009.

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

To continue the public hearing on the Draft Updated General Plan to April 21, 2009.

5. Discussion and Possible Action Concerning Introduction of Ordinance No. \_\_\_\_\_, Ordinance Amendments To Title 18, Zoning Ordinance, For Minor Corrections To Language And Diagrams.

The Planning Director stated that the purpose of this ordinance is to correct typographic errors and similar problems that make the Town's current zoning ordinance unnecessarily difficult to use.

The Associate Planner briefly reviewed minor changes to the zoning ordinance and detailed three more significant changes:

- Section 13 – Proposed allowance of entry gates in the front yard setback on all residential zoned districts. The entry gates would be subject to maximum dimensions of 8'6" in width, 8' in height, and 4' in depth and would not require design review.
- Section 30 – Additional language added to provide that temporary on-window signs which are allowed a maximum of 30 days per year are not illuminated internally or externally.
- Section 33 – Eliminates uncovered parking from lot coverage calculations by replacing "total area of the site" with "net area of land," which is consistent with the FAR formula.

Mayor Dupar asked for clarification on Section 30 and temporary on-window signs. Ms. Roznowski explained that the code allows someone to post lettering or signage in a window to advertise, such as a for sale sign. The amendment would stipulate that such signs could not be illuminated, even by direct lighting aimed at the sign.

Councilmember Condon asked if neon "open" signs would be subject to the code. Mr. Pendoley said

that those are violations but staff has not made it an enforcement priority.

Councilmember Dupar referred to the entry gate example provided and asked if the gate could span the full height of the structure it is attached to. Ms. Roznowski said that it would be subject to a maximum height of 8'.

Councilmember Condon questioned whether it would be subject to design review, and Ms. Roznowski explained that the language provides for those dimensions without design review. Mr. Pendoley said that any such structure that failed to comply with those standards would be treated the same as a fence.

The public hearing was opened.

George Topor referred to the entry gate photo on display and asked if it would allow a gate structure to open outward beyond a 4' depth. Ms. Roznowski said yes, provided that the gate's posts were located on the homeowner's property.

Councilmember Condon voiced concern and asked if staff had taken into consideration how this may create an impediment to foot traffic or sight lines. The Associate Planner said current zoning only addresses height restrictions on fencing within 50' of an intersection; entry gates would likely fall at the approximate middle of a lot. The Planning Director acknowledged that such an impediment is a possibility and noted that staff is occasionally asked to address conforming fence structures that at times create a public safety issue. He agreed that a permit would avoid having to ask a homeowner to remove a structure post construction and said this was really a matter of how far the Council would like to go with these guidelines. He added that ordinance provisions that become problematic are easily remedied by amendments, if necessary.

The Assistant Town Attorney confirmed with Ms. Roznowski that any fence over 6' in height requires a building permit and at that point, staff would also review the project to ensure that any gate in no way encroached upon the right-of-way in such a way that impedes access.

The public hearing was closed.

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

To introduce Ordinance No. 910, Ordinance Amendments to Title 18, Zoning Ordinance, For Minor Corrections To Language And Diagrams.

6. Discussion and Possible Action Concerning Introduction of Ordinance Amendments To Modify Regulatory Standards For Floor Area Ratio (FAR) In The R-1 And R-1-A Residential Districts.

The Senior Planner stated that the new FAR development standards have been in use for the last year

and a half, and have been predominately successful but the Planning Department has identified certain criteria for revision. Staff recommends a minor revision to the method of calculating gross floor area of partially excavated residences that will essentially exclude any floor space that is buried into a hillside. Staff also recommends that the calculation of net area of land on properties abutting waterways be amended to use a measurement of 6.2 feet NAVD (North American Vertical Datum) rather than mean high tide.

The public hearing was opened. There were no public speakers, and the public hearing was closed.

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

To introduce Ordinance No. 911, Ordinance Amendments To Modify Regulatory Standards For Floor Area Ratio (FAR) In The R-1 And R-1-A Residential Districts.

#### BUSINESS ITEMS

7. Discussion and Possible Action Concerning Adoption Of Ordinance No. 909 An Ordinance Of The Town Council Of The Town Of Corte Madera Amending Sections 18.08.220(E) And 18.24.080, Of Title 18 (Zoning Of The Municipal Code – Coverage And Measurement Of Coverage, by Title Only and Waving Further Reading

The Planning Director reported this was the second reading of the Ordinance introduced March 17, 2009.

The public hearing was opened. There were no public speakers, and the public hearing was closed.

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

To Adopt Ordinance No. 909, an Ordinance of the Town Council of the Town of Corte Madera amending Sections 18.08.220(E) And 18.24.080, Of Title 18 (Zoning of the Municipal Code – Coverage And Measurement Of Coverage, by Title only.

8. Approve Minutes of March 17, 2009

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

To approve the Minutes of March 17, 2009, as drafted.

#### ADJOURNMENT

The meeting was adjourned at 8:03 p.m. to the next regular meeting on April 21, 2009.