

Undersheriff steps in as interim Tiburon chief amid police review

meeting tonight

The Tiburon Town Council will discuss the possible creation and scope of a Diversity Inclusion Task Force and other community ideas after the Aug. 21 incident between police officers and the owners of downtown store Yema. *Page 23*

By **HANNAH WEIKEL**
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Jamie Scardina knows he's stepping into the role of Tiburon's interim police chief during a divisive time, as the community continues to deal with the fallout over last month's tense interaction between police and the Black owner of downtown clothing store Yema.

Scardina, Marin County's undersheriff

and a former officer in Tiburon, was hired to temporarily take over for Chief Michael Cronin, who last week announced his retirement effective Sept. 13. Though town officials have said Cronin, who held the top police job in Tiburon for 13 years, had been planning to retire for some time, the move came amid increased scrutiny of Cronin's leadership and the Tiburon



Scardina

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Tiburon Playhouse becomes 'casualty of pandemic'

By **DEIRDRE MCCROHAN**
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The Tiburon Playhouse, a fixture of downtown social life for more than 60 years and host of the Tiburon International Film Festival, has closed permanently after going six months without customers due to coronavirus-related public-health restrictions.

"Tiburon Playhouse a casualty of the pandemic," owner David Corkill said in a Sept. 11 interview, adding that he has negotiated out of his lease with ACV Argo Tiburon LP, which owns the 40 Main St. building. ACV Argo Tiburon did not

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Belvedere City Council, Reed district candidate forums are Sept. 29-30

The Ark and the League of Women Voters of Marin will host two online candidate forums this month, giving residents the chance to ask questions of those seeking seats on the Belvedere City Council and the Reed Union School District board of trustees.

The Belvedere council forum, hosted by The Ark's Belvedere and public-safety reporter, Hannah Weikel, is set for 7-8:30 p.m. Sept. 29.

Four candidates are vying for three seats on the board, including incumbent Nancy Kemnitzer, a law partner at Kemnitzer, Barron & Krieg. The challengers are Steve Block, a community volunteer and attorney; James Lynch, a Belvedere Planning Commission member and retired partner at Latham & Watkins; and Chelsea Schlunt, the co-founder and general manager of Bellows Services.

Those seeking to ask questions of the candidates should email them to The Ark at belvedereforum@thearknewspaper.com.

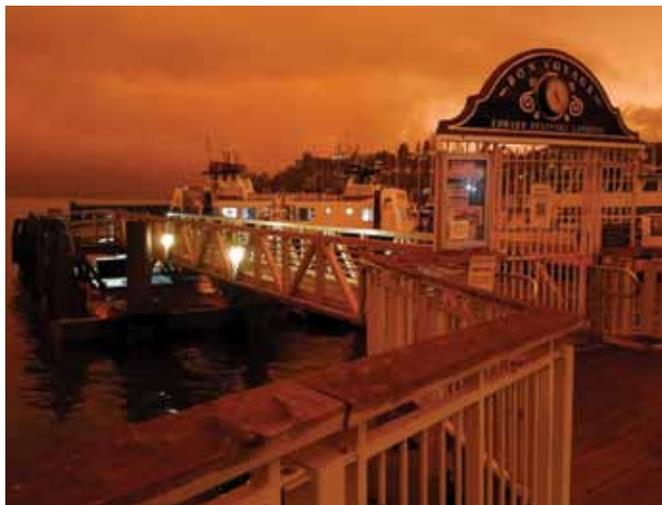
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Fire in the sky



Smoke from Bay Area and Northern California wildfires, lofted high into the atmosphere above a thick marine layer, made for an otherworldly glow throughout the day Sept. 8, as seen about 9 a.m. in downtown Tiburon. Though the fog provided a barrier for much of the smoke smell, air quality remained unhealthy, further keeping residents away from a downtown already quiet due to the ongoing coronavirus pandemic. To read more about the fires, see page 5.

CINDY SICILIANO PHOTOS



Businesses hesitate as more allowed to reopen

Marin gets state's approval to downgrade to next tier

By **DEIRDRE MCCROHAN**
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News last week that the state had put the brakes on Marin's plans to more widely reopen its economy was largely met with a collective shrug from business owners and church leaders on the Tiburon Peninsula, many of whom said they hadn't planned to expand their operations even if the county had been able to move forward with relaxing restrictions.

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HIGH-END REMODELS & NEW CONSTRUCTION





ELLIOT KARLAN / FOR THE ARK

The three-screen Tiburon Playhouse movie theater on Main Street has been shuttered by the Cinema West chain due to financial struggles from the coronavirus pandemic. Landlord ACV Argo Tiburon LP did not respond to inquiries about its plans for the building.

Theater, *continued from page 1*

respond to inquiries about its plans for the space.

Indoor theaters were among the businesses deemed non-essential and ordered by the county to close in mid-March as the coronavirus began spreading rapidly throughout the country. They have remained closed over the past six months as Marin's gradual easing of restrictions has mostly focused on allowing businesses to resume outdoor operations, though retail stores and hair salons have been given permission to operate indoors with restrictions.

Theaters — along with indoor dining, gyms and a host of others services — were given the green light to reopen Sept. 15, with a limited capacity of 25 percent or 100 people, whichever is lower. The change came as Marin was officially downgraded from California's purple tier-1 status, or "widespread" risk of coronavirus transmission, to red tier-2 status, or "substantial" risk under the state's new four-tier framework for managing the virus and reopening the economy.

The county had originally announced the reopening of those sectors on Sept. 4 to be effective Sept. 8. However, late Sept. 7, the California Department of Public Health notified Marin that it was changing the way it calculates case-rate and testing-positivity metrics for a county's assignment in the new tier system, and Marin no longer qualified to be downgraded under the new calculation.

Marin appealed the decision and received the go-ahead for the wider reopening on Sept. 14.

Corkill indicated his decision to shutter the playhouse wasn't based on that recent delay.

"We chose not to renew our lease because, in the middle of the crisis, we had no way to predict the outcome," Corkill said.

He said officials' response to the virus has made things difficult for small-business owners.

"I feel strongly that our state government has failed small businesses by allowing big stores to remain open while failing to fine and enforce penalties on those who are contributing to the spread of the virus by not wearing masks and holding parties and not complying with the rules to help shorten the pandemic," he said.

Officials for Marin County, Tiburon and Belvedere say they're seeking voluntary compliance of state and county public-health orders through education efforts and to date have declined to issue citations to any busi-

Our state government has failed small businesses by allowing big stores to remain open while failing to fine and enforce penalties on those who are contributing to the spread of the virus ..."

— David Corkill, owner of Cinema West, which operates the Tiburon Playhouse

nesses or private citizens for violations.

Corkill, who owns 17 movie theaters in Western states as head of the Cinema West theater chain, said he believes he was the third or fourth operator of the Tiburon Playhouse space; he signed the lease in 1989. His predecessor, the Blumenfeld family, had been running the theater for about 15 years before letting their lease expire.

For a good part of the 1970s and 1980s, Tiburon Playhouse was a foreign- and art-film movie house. When Corkill took over in 1989, he began to try to get first-run movies, but he ran into an obstacle — the movie studios, which made "clearance" deals with the big chains for exclusive rights to show new movies. Sometimes, it took several years before theaters in the smaller communities could get more-current movies.

In 1992, Corkill filed a lawsuit against Columbia Pictures and others over the practice.

"We won, and other theaters benefited," Corkill said. "It's now possible to see first-run movies in your own community because of that."

He made other improvements as well. In 1989, the Tiburon Playhouse was still a single-screen theater. Corkill hired local architect to split the theater into two screening rooms. In 1995, he built an addition to add a third screen. Digital projection was added in 2008 and a kitchen and stadium seating were added in 2011, the same year the theater was able to begin serving beer and wine.

"We've spent a lot of money on the theater to keep it going and make improvements," Corkill said.

The Playhouse has also served as the site of the annual Tiburon International Film Festival, which launched in 2002 with more than 200 independent films from all over the world. The pandemic forced the cancellation of the 2020 festival; event founder Saeed Shafa could not be reached for com-

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THE ARK

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ment about the future of the festival given the playhouse's closure. Several Tiburon residents recalled fond memories of seeing movies at the Playhouse.

Tiburon native Russ Jernigan remembered the Playhouse was also a popular local hangout for teenagers.

"My sister, as a 14- or 16-year-old, used to go there because the teens could sit in the back and smoke and make out and no one would apparently hassle them," he said.

Jernigan recalled seeing "Romeo and Juliet" there — the 1968 Franco Zeffirelli film starring British actors Olivia Hussey and Leonard Whiting.

Tiburon native Bruce Frank said he remembers seeing the 1990 film "Ghost" at the theater.

"In more recent years, my practice was to go to happy hour at Guaymas and then catch the matinee," he said, referring to the now-defunct Mexican restaurant on Main Street.

Joe Osborn, who grew up on the Belvedere Lagoon in the 1960s, said he remembers seeing "Fantastic Voyage" with Raquel Welch there in 1966.

"I thought it was so great, I went back and watched it again the next night!" he said of the sci-fi film, in which a submarine crew is



VIA BELVEDERE-TIBURON LANDMARKS SOCIETY

The Tiburon Playhouse as it looked in 1961, three years after opening. The movies playing at the time were 'Tammy Tell Me True,' with Sandra Dee and John Gavin, and 'The Last Sunset' with Rock Hudson. For a short time, the theater also staged live productions of the Cove Players, a local theater group that pre-dated the Pelican Players.

shrunk to microscopic size and injected into the bloodstream of an injured scientist to repair damage to his brain. "I think the cost of the ticket was 25 cents back then."

Robin Scott-Wray said visits to the theater were a regular part of growing up in

Tiburon.

"I remember the first movie we saw down there, 'Yours, Mine and Ours,' with Henry Fonda and Lucille Ball," she said of the 1968 family comedy. "My father was studying for his master's, and my mother would take

us down to the Playhouse to give him some quiet time."

Mike Hendrickson worked at the Playhouse from May 2013 to August 2014 while he was a Redwood High School student, and then worked there on winter breaks during his college years.

"It was my first real job," he said. "For someone who likes movies, it was a great job. I have great memories of talking to my boss and my coworkers. We'd get Waypoint Pizza and go up to sit on the balcony above the entrance on our breaks."

Corkill said the other theaters he operates are either larger or in buildings he owns, so he feels confident they will be able to survive the pandemic.

Before the pandemic, he said, the Playhouse regularly made enough money to pay its bills, though it didn't turn a big profit. If it wasn't for the virus, he said, he would have forged ahead.

"We've been paying rent for six months on a building that's empty, and that's our penalty for trying to keep going while others are going unpunished," he said. "It's going to happen to others, and the shape of the downtown Tiburon landscape will change."

Deirdre McCrohan has reported on Tiburon local government and community issues for more than 30 years. Reach her at 415-944-4634.

Business, *continued from page 1*

After many flips and flops — several business sectors allowed to reopen in June were then shut down by the state in July, then the county announced new reopenings Sept. 4 before being halted again — Marin was finally allowed to reopen indoor personal-care services, indoor dining, indoor gyms, movie theaters and indoor houses of worship at reduced capacity, as well as expanded capacity at indoor retail establishments and malls, starting Sept. 15.

The reopenings coincide with the county's planned move from California's purple tier-1 status, or "widespread" risk of coronavirus transmission, to red tier-2 status, or "substantial" risk under the state's new four-tier framework for managing the virus and reopening the economy. Those were first announced Sept. 4, but on Sept. 7 the California Department of Public Health notified the county that it was changing the way it calculates case-rate and testing-positivity metrics for a county's assignment in the new tier system — which had only been established on Aug. 28 — and that Marin no longer qualified to be downgraded under the new calculation.

Marin requested a review of its assignment before the state made its final determination and expected a decision by Sept. 11, but it didn't receive word until Sept. 14.

The latest flip-flops in reopenings were met with resignation and equanimity among local business owners and church leaders, many of whom reiterated a safety-first mindset.

"I wasn't planning to open inside anyway," Paul Monterroso, the co-owner of Salt & Pepper restaurant at 38 Main St., said last week before the new reopening order was issued. "We have plenty of outside tables, and we've been doing very well."

While he said the smoky skies over Marin and the rest of the Bay Area had curbed business a bit, he didn't expect that lull to last.

"People like to eat outside," he said. "We have to open to inside dining when it's safe. ... I don't want to rush it."

Hanh Le, co-owner of Tiburon Nails at Point Tiburon Plaza, said she wasn't even aware the county had planned to roll back regulations and allow nail salons to move indoors. However, she said, the salon hadn't planned to immediately change things up.

"Most of our clients know we can do it outside, so they're OK with that," Le said. "It's a little bit slower, but it's not like before when we couldn't have any business."

Over at Luna Blu on Main Street, co-owner Crystal

what's open in marin county?

Marin's public-health officer plans to reopen businesses as follows with the county's progress through the state's Blueprint for a Safer Economy tier system. A county must spend a least three weeks in each tier, and a county must qualify for the next tier for at least two weeks before it will be assigned to that tier by the state.

TIER 1	TIER 2 (current)	TIER 3	TIER 4
<p>Allowed indoors</p> <ul style="list-style-type: none"> Hair salons Retail, 25% capacity Malls, 25% capacity Hotels and lodging <p>Allowed outdoors</p> <ul style="list-style-type: none"> Nail salons Massage therapy Skin care Estheticians Museums and zoos Places of worship Movie theaters Gyms & fitness centers Restaurants Wineries Family entertainment centers Cardrooms 	<p>Allowed indoors</p> <ul style="list-style-type: none"> Hair salons Retail, 50% capacity Malls, 50% capacity Personal care services Museums and zoos, 25% capacity Places of worship, 25% capacity or 100 people Movie theaters, 25% capacity or 100 people Hotels and lodging Gyms and fitness centers, 10% capacity Restaurants, 25% capacity <p>Allowed outdoors</p> <ul style="list-style-type: none"> Wineries Family entertainment centers Cardrooms 	<p>Allowed indoors</p> <ul style="list-style-type: none"> Hair salons Retail Malls Personal care services Museums and zoos, 50% capacity Places of worship, 50% capacity or 200 people Movie theaters, 50% capacity or 200 people Hotels and lodging Gyms and fitness centers, 25% capacity Restaurants, 50% capacity Wineries, 25% capacity or 100 people Family entertainment centers, 25% capacity Cardrooms, 25% capacity <p>Allowed outdoors</p> <ul style="list-style-type: none"> Bars and breweries 	<p>Allowed indoors</p> <ul style="list-style-type: none"> Hair salons Retail Malls Personal care services Museums and zoos Places of worship, 50% capacity Movie theaters, 50% capacity Hotels and lodging Gyms and fitness centers, 50% capacity Restaurants, 50% capacity Wineries, 50% capacity or 200 people Bars and breweries, 50% capacity Family entertainment centers, 50% capacity Cardrooms, 50% capacity

SOURCE: MARIN DEPARTMENT OF HEALTH & HUMAN SERVICES

ARK CHART

Azzarello said the changes didn't make much of a difference to her and her husband. The restaurant has been open for outdoor dining, using space on the sidewalk and on the outdoor deck next door to their restaurant. Azzarello said the restaurant has also benefitted from the town's "slow street" program, which closes Main Street to cars for outdoor dining and shopping on weekends through the end of October.

"We've had a very strong summer, and we were very pleased with the community support," Azzarello said.

She said she really feels for the other businesses in Marin who don't have the option of offering outside dining and who geared up for the re-openings inside by bringing back employees and buying produce.

"It's really hard for them," she said.

Azzarello said she didn't think it was right for authorities to be so cavalier with people's livelihoods. She said she was about to approach the Marin Small Business Development Center "hoping to get answers and some clarity."

Carol LeValley, chief executive officer of Rustic Bakery, whose Tiburon outpost is one of four bakeries in the chain she founded with her husband, said the back and forth had not had much of an impact on the cafe, as they are continuing to offer only delivery and takeout until they feel comfortable letting people sit inside again. LeValley is in the county's Marin Recovers restaurant work group that is specifically addressing the interests and concerns of restaurant owners.

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