

RESOLUTION NO. 20/2015

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
DETERMINING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED
FOR ADOPTION OF THE DRAFT TOWN OF CORTE MADERA HOUSING
ELEMENT, 2015-2023 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA) GUIDELINES SECTIONS 15168 AND 15162**

WHEREAS, California law requires each city and county in the state to prepare and periodically update the housing element of its respective general plan; and

WHEREAS, consistent with state law the Town of Corte Madera (“Town”) did prepare the Corte Madera Housing Element 2015-2023 ("Housing Element"); and

WHEREAS, the primary purpose of the Housing Element is to set the goals, policies, quantified objectives, and scheduled programs to preserve, improve, and develop housing for all social and economic segments of the community; and

WHEREAS, the Housing Element also serves as a planning document for the Town that identifies adequate sites to meet its Regional Housing Needs Assessment (“RHNA”) assigned by the State via the regional government (ABAG); and

WHEREAS, the actions relating to adoption of the Housing Element, include an amendment to the 2009 General Plan adopting the Town of Corte Madera Housing Element 2015-2023. The adoption of the Town of Corte Madera Housing Element 2015-2023 is referred to herein as the “Project”; and

WHEREAS, On April 21, 2009, the Town Council did conduct a public hearing on the Town of Corte Madera 2009 General Plan, including the Revised Final Environmental Impact Report (FEIR) and its accompanying Mitigation Monitoring and Reporting Program, and did consider all oral and written testimony submitted to the Town regarding the same prior to taking its action. By Resolution No. 3595, the Town Council did certify the FEIR for the General Plan, and did consider the FEIR and identified mitigation measures prior to taking action to adopt the 2009 General Plan, including its related goals, policies and programs, by separate Resolution No. 3594; and

WHEREAS, On April 5, 2011, the Town Council did conduct a public hearing on the Town of Corte Madera Housing Element, 2007-2014, including the Environmental Evaluation prepared pursuant to CEQA Guidelines Section 15168, and did consider all oral and written testimony submitted to the Town regarding the same prior to taking its action. By Resolution No. 3659, the Town Council did find that the environmental impacts of the Corte Madera Housing Element, 2007-2014, including its related goals, policies, and programs, were within the scope for the FEIR/Program EIR for the Corte Madera 2009 General Plan, by separate Resolution No. 3658; and

WHEREAS, the Town has determined the policies and programs contained in the Housing Element are consistent with those contained in the Housing Element, 2007-2014 (less those policies and programs that have been removed, completed, or have been reduced in scope

and effect). The Project is within the scope of the programs analyzed in the FEIR for the Corte Madera 2009 General Plan which adequately describes the activity set forth in the Project as set forth in the Environmental Evaluation prepared for the 2007-2014 Housing Element; and

WHEREAS, a public notice describing the Planning Commission's public hearing on the environmental recommendation and its recommendation to Town Council on the Housing Element was sent to all individuals and groups, via email, that have requested to receive information about the Housing Element update, to all individuals and groups that have registered on the Town's website to receive Planning Commission notices and/or general community news and information, to all local non-profit groups and organization that develop and/or advocate for housing for lower income individuals and families, was posted in accordance with Corte Madera Municipal Code Section 1.08.010, and was published in the Marin Independent Journal, a newspaper of local circulation, on April 17, 2015; and

WHEREAS, on April 28, 2015, the Planning Commission did conduct a public hearing on the Project, including its environmental recommendation, and did consider all oral and written testimony submitted to the Town regarding the same prior to making a recommendation to the Town Council regarding the Project; and

WHEREAS, by Resolution No. 15-004, the Planning Commission did consider and unanimously recommend that the Town Council find that the Project, and the policies and programs contained therein is within the scope of the Certified FEIR and that no new environmental document is required pursuant to CEQA Guidelines Section 15162; and

WHEREAS, by same Resolution No. 15-004, the Planning Commission did consider and recommend the Town Council adopt an amendment to the Town of Corte Madera General Plan to incorporate the Project; and

WHEREAS, a public notice describing the Town Council's public hearing on the environmental determination and its pending action on the Housing Element was sent to all affected agencies, and all individuals and groups, via email, that have requested to receive information about the Housing Element update, to all individuals and groups that have registered on the Town's website to receive Planning Commission notices and/or general community news and information, to all local non-profit groups and organization that develop and/or advocate for housing for lower income individuals and families, was posted in accordance with Corte Madera Municipal Code Section 1.08.010, and was published in the Marin Independent Journal, a newspaper of local circulation, on May 8, 2015; and

WHEREAS, the Town Council did conduct a public hearing on May 19, 2015, on the Project, including the environmental determination, and did consider all oral and written testimony submitted to the Town regarding the same prior to taking its actions on the environmental determination pursuant to CEQA Guidelines Section 15168 and 15162, and the Project.

NOW, THEREFORE, BE IT RESOLVED, the Town Council hereby finds and resolves as follows:

SECTION 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

SECTION 2. Record

The Record of Proceedings ("Record") upon which the Town Council bases its action includes, but is not limited to: (1) the FEIR certified for the 2009 General Plan, including the appendices and technical reports cited in and/or relied upon in preparing the FEIR, (2) the environmental evaluation prepared for the Town of Corte Madera Housing Element, 2007-2014, (3) the Town of Corte Madera Housing Element, 2007-2014, (4) the Project, (5) the staff reports, Town files and records and other documents, prepared for and/or submitted to the Town relating to the Project, (6) the recommendation of the Planning Commission, (7) the evidence, facts, findings and other determinations set forth in this resolution, (8) the 2009 Town of Corte Madera General Plan and the Corte Madera Municipal Code, (9) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Project, (10) all other matters of common knowledge to the Town Council including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town of Corte Madera and its surrounding areas.

The location and custodian of the records is the Town of Corte Madera Planning Department, 300 Tamalpais Drive, Corte Madera, California, 94925.

NOW, THEREFORE, BE IT RESOLVED that the Town Council does hereby find that the Project, and the policies and programs contained therein is within the scope of the FEIR for the 2009 General Plan, is adequately described in the FEIR and that no new environmental document is required based on the following findings pursuant to CEQA Guidelines Section 15162:

1. By adoption of the Project, and the policies and programs contained therein, no substantial changes are proposed that were not already contemplated in the Certified FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Facts in Support: The Project, and the policies and programs therein, are consistent with the policies and programs as evaluated in the FEIR certified by the Town Council by Resolution No. 3594 in April 2009 for the 2009 General Plan and as evaluated in the Environmental Evaluation prepared for the Corte Madera Housing Element, 2007-2014, adopted by the Town Council by Resolution No. 3658. No General Plan Land Use changes or Re-zonings are included as part of the Project. No additional sites for housing are included as part of the Project. No significant changes to the policies and programs carried forward from the Housing Element, 2007-2014 are included as part of the Project. No changes in General Plan Land Use or Zoning designations or new development have occurred within the Town of Corte Madera that result in significant changes in the environmental circumstances evaluated in the FEIR certified in April of 2009.

2. No substantial changes have occurred with respect to the circumstances under which the Project, and the policies and programs therein, are to be undertaken that would require revisions to the FEIR or Environmental Evaluation due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Facts in Support: There are no substantial changes in the circumstances, including new significant environmental effects or a substantial increase in the severity of previously identified significant effects that are related to implementation of the policies and programs contained in the Project that would require revisions to the FEIR or Environmental Evaluation. No General Plan Land Use changes or Re-zonings are included as part of the Project. No additional sites for housing are included as part of the Project. No significant changes to the policies and programs carried forward from the Town of Corte Madera Housing Element, 2007-2014 are included as part of the Project. No changes in General Plan Land Use or Zoning designations or new development have occurred within the Town of Corte Madera that result in significant changes in the environmental circumstances evaluated in the FEIR certified in April of 2009 and the Environmental Evaluation of 2011.

3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified as complete shows any of the following:

- (1) The Project will have one or more significant effects not discussed in the FEIR;
- (2) Significant effects previously examined will be substantially more severe than shown in the FEIR;
- (3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative; or
- (4) Mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

Facts in Support: 1) No new information due to changes in environmental circumstances including General Plan Land Use and/or Zoning amendments, new developments or other factors has come to light or has been submitted to the Town indicating that the Project and the policies and programs contained therein would have a significant impact that is not discussed in the FEIR. 2) There are no significant effects previously examined in the FEIR that are deemed to be substantially more severe as a result of implementing the Project because the policies and programs included therein are substantially consistent with those contained in the Housing Element, 2007-2014 and any changes to the policies and programs in the Project do not result in General Plan Land Use or Zoning amendments, new development or other conditions that cause significant effects previously examined to be more severe. 3) With implementation of the policies and programs contained in the Project, there are no applicable mitigation measures or alternatives previously found not to be feasible that now, due to changes in the General Plan Land Use and/or Zoning designations, subsequent development or other conditions, would in fact now be feasible and would substantially reduce one or more significant effects of implementing policies and programs contained in the Project. 4) No new mitigation measures or alternatives have been identified by or submitted to the Town for the Project, and the policies and programs therein, which are substantially consistent with the policies and programs contained in the current Housing

Element, 2007-2014, and that were discussed in the 2009 Certified Program FEIR for the General Plan.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 19th day of May, 2015, by the following vote, to wit:


AYES: Councilmembers: Condon, Bailey, Furst, Lappert, Ravasio

NOES: Councilmembers: NONE

ABSENT: Councilmembers: NONE


Carla Condon, Mayor

ATTEST:


Rebecca Vaughn, Town Clerk