

**RESOLUTION NO. 40/2016**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DETERMINING THAT THE ZONING ORDINANCE AMENDMENT (ORDINANCE 958) CREATING A NEW MIXED-USE ZONING DISTRICT (MX-1) AND REZONING SEVEN PROPERTIES LOCATED WITHIN THE “TAMAL VISTA CORRIDOR” FROM C-3 AND PUBLIC/SEMI-PUBLIC FACILITIES DISTRICTS TO MX-1, AND THE GENERAL PLAN AMENDMENT PURSUANT TO TOWN COUNCIL RESOLUTION 41/2016 WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY REVIEW ACT (CEQA) GUIDELINES ARTICLE 6 AND SECTION 15074.**

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**WHEREAS**, On April 21, 2009, the Town Council did conduct a public hearing on the Town of Corte Madera 2009 General Plan (the “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**, many commercial properties adjacent to Highway 101 were re-classified from Region-Serving Commercial or Commercial Services land use designations, which did not allow residential uses, to the Mixed-Use Commercial land use designation in the Land Use Element of the 2009 General Plan; and

**WHEREAS**, the Mixed-Use Commercial land use designation is intended to “support infill activities, and site and building redevelopment of existing neighborhood commercial centers and along commercial corridors. Allowable uses include office, light industrial (non-manufacturing), and commercial services, as well as new housing developments;” and

**WHEREAS**, the 2009 General Plan, and 2011 and 2015 Housing Element updates included specific policies and programs to create a new Mixed-Use zoning district through the adoption of amendments to the Corte Madera Zoning Ordinance to implement the policies of the Mixed-Use Commercial land use designation, including allowances for residential uses, for those areas so designated; and

**WHEREAS**, on June 4, 2016, the Planning Department released the draft Tamal Vista Corridor Study Report (“Report”) which included a detailed review of existing conditions, analytic tools, public outreach efforts and comments, and land use policy recommendations for the Tamal Vista Corridor; and

**WHEREAS**, on June 14, 2016 and July 19, 2016, the Planning Commission and Town Council respectively, held duly-notice public meetings to review, receive public comment, and provide direction regarding the draft land use policy recommendations for the Tamal Vista Corridor detailed in the Report; and

**WHEREAS**, the Town Council, at its July 19, 2016 public meeting, directed staff to proceed

with the development of draft zoning ordinance amendments for review and consideration by the Planning Commission based on the policy recommendations included in the report and comments received by the Town Council and Planning Commission; and

**WHEREAS**, on August 24, 2016, the Planning Department published a Notice of Intent to adopt a Negative Declaration/Initial Study, and public hearing notice for proposed Zoning Ordinance and General Plan amendments in compliance with CEQA Guidelines Section 15072 and California Government Code Section 65854, Section 65090, and Section 65091; and

**WHEREAS**, The above-mentioned notice was sent by mail to all property owners in the Tamal Vista Corridor and within 600 ft. of the Tamal Vista Corridor (and remaining properties on Chickasaw Court), was sent by email to all those who signed up to receive information regarding the Tamal Vista Corridor Study, was posted on the Town's website and sent by email to all those signed up for Planning and Building and Weekly Newsletter newsflash items, was posted at the Town's fire stations, Town Hall, library and post office, and posted at the Marin County Clerk's Office.

**WHEREAS**, on September 2, 2016, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

**WHEREAS**, on September 13, 2016, the Planning Commission held a public hearing on the Initial Study/Negative Declaration, proposed Zoning Ordinance and General Plan amendments (the "Project"), received the staff report and a reviewed a presentation from the Planning Department, received comments from the public, and

**WHEREAS**, by Resolution No. 16-026, the Planning Commission did consider and recommend, by a vote of 3-1 (with one recused) that the Town Council find that the Project, and the policies and regulations contained therein will not have a significant effect on the environment pursuant to CEQA Guidelines Section 15074; and

**WHEREAS**, by same Resolution No. 16-026, the Planning Commission did consider and recommend the Town Council adopt amendments to the Town of Corte Madera Zoning Ordinance and General Plan; and

**WHEREAS**, on September 22, 2016, notice of the Corte Madera Town Council public hearing on the Initial Study/Negative Declaration, and proposed Zoning Ordinance and General Plan amendments was sent by mail to all property owners in the Tamal Vista Corridor and within 600 ft. of the Tamal Vista Corridor (and remaining properties on Chickasaw Court), was sent by email to all those who signed up to receive information regarding the Tamal Vista Corridor Study, was posted on the Town's website and sent by email to all those signed up for Planning and Building and Weekly Newsletter newsflash items, was posted at the Town's fire stations, Town Hall, library and post office, and posted at the Marin County Clerk's Office, in compliance with California Government Code Section 65854, Section 65090, and Section 65091; and

**WHEREAS**, on October 4, 2016, the Town Council of the Town of Corte Madera did conduct a public hearing 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 Article 6 and Section 15074.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Corte Madera does hereby find and resolve as follows:

1. Recitals

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

2. Record

The Record of Proceedings (“Record”) upon which the Planning Commission makes its recommendation includes, but is not limited to:

(1) the 2009 General Plan, (2) the FEIR certified for the 2009 General Plan, including the appendices and technical reports cited in and/or relied upon in preparing the FEIR, (3) the Housing Element update adopted by the Town Council in 2015, including the adopted environmental determination (4) the Tamal Vista Corridor Study Report, (5) all staff reports, Town files and records and other documents prepared for and/or submitted to the Town Council relating to the Tamal Vista Corridor Study Report and Zoning Ordinance and General Plan amendments, including the Initial Study/Negative Declaration prepared to evaluate the environmental effects of the Project (6) the recommendation of the Planning Commission (7) all documentary and oral evidence received at public hearings or submitted to the Town relating to the Tamal Vista Corridor Study Report and Zoning Ordinance and General Plan amendments related to the creation of new Zoning Ordinance Chapter 18.13 and the MX-1 zoning district, and (8) all matters of common knowledge to the Planning Commission and the Town, including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town and its surrounding areas.

The location and custodian of the Record is the Planning Director of the Town of Corte Madera, 300 Tamalpais Drive, Corte Madera, CA 94925.

3. Compliance with the California Environmental Quality Act (CEQA)

Pursuant to CEQA Guidelines Section 15074, prior to adopting the Negative Declaration prepared for the Project, the Town Council must consider the proposed Negative Declaration. The following findings must be made by the Town Council prior to adoption of the Negative Declaration:

1. The Negative Declaration was prepared in accordance with the California Environmental Quality Review Act.
2. The Town Council has considered the proposed Negative Declaration, together with all public comments received during the public review process, and based on the whole record, does not find substantial evidence that the project will have a significant effect on the environment.
3. The Negative Declaration reflects the lead agency’s independent judgement and analysis.

4. Pursuant to §21081.6(a)(2) of the Public Resources Code, the Corte Madera Planning Department, located at 300 Tamalpais Drive, Corte Madera, CA, is the custodian and location of the documents and other materials that constitute the record of proceedings upon which the Town Council's decision memorialized in this Resolution is based.

The Town Council of the Town of Corte Madera has reviewed the Negative Declaration and based on its independent judgement and analysis determines that the Negative Declaration was prepared in accordance with the California Environmental Quality Review Act and that based on the whole record, including public comments received during the public review process, there is not substantial evidence that the project will have a significant effect on the environment.

In particular, the Town Council has reviewed the Mandatory Findings of Significance (Chapter 4.18 of the Initial Study/Negative Declaration) and concurs with the findings that the Project will have a less than significant impact on the environment for the reasons specified.

**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 4th day of October, 2016, by the following vote, to wit:

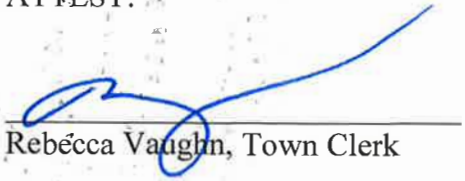
AYES: Councilmembers: Bailey, Furst, Lappert

NOES: Councilmembers: Andrews, Condon

ABSENT: Councilmembers: - None -

  
Sloan C. Bailey, Mayor

ATTEST:

  
Rebecca Vaughn, Town Clerk