

RESOLUTION NO. 5/2016

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
AMENDING THE TOWN OF CORTE MADERA GENERAL PLAN BY ADDING THE
C-3 ZONING DISTRICT TO THE LIST OF APPLICABLE ZONING DISTRICTS
WITHIN THE MIXED-USE COMMERCIAL LAND USE DESIGNATION OF THE
LAND USE ELEMENT**

WHEREAS, on April 21, 2009, the Town Council of the Town of Corte Madera adopted the Update to the Corte Madera General Plan (the “2009 General Plan”); and

WHEREAS, the 2009 General Plan created a new Mixed-Use Commercial land use designation within its Land Use Element; and

WHEREAS, the list of Applicable Zoning Districts related to the Mixed-Use Commercial land use designation, designates those zoning districts that are consistent or compatible with the Mixed-Use Commercial land use designation; and

WHEREAS, the C-3 zoning district was not included in the list of Applicable Zoning Districts in the Mixed-Use Commercial land use designation, nor was it included in the list of Applicable Zoning Districts in any General Plan land use designation; and

WHEREAS, based on review of the 2009 General Plan and related documents, the omission of the C-3 zoning district in the list of Applicable Zoning Districts in the Mixed-Use Commercial land use designation appears to have been inadvertent; and

WHEREAS, pursuant to California Government Code Section 65860, the various land uses and development standards authorized by the Zoning Ordinance must be compatible with the objectives, policies, general land uses, and programs specified in the General Plan; and

WHEREAS, the Corte Madera Planning Department is in receipt of two applications – one for a new retail and office building at 200 Nellen Avenue and another for the comprehensive rehabilitation of the Budget Inn at 706 Meadowsweet Drive – and anticipates the filing of another – for tenant improvements at the former Denny’s site – for permits intended to allow development pursuant to the existing C-3 zoning district regulations; and

WHEREAS, the processing of such applications, including review by the Planning Commission, is hindered by the current lack of consistency between the Zoning Ordinance and General Plan and the consistency findings required to be made for project approval; and

WHEREAS, other properties that are within the C-3 zoning district would face similar challenges if and when applying for any development permits requiring findings of consistency between the 2009 General Plan and Zoning Ordinance; and

WHEREAS, the Planning Department recommends that the General Plan amendment before the Town Council is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, and that the proposed General Plan Amendment is within the scope of the Program EIR for the 2009 General Plan, certified by the Town Council on April 21, 2009, and therefore no subsequent EIR is required pursuant to CEQA Guidelines Section 15162 and 15168; and

WHEREAS, on February 12, 2016, public hearing notices were mailed to all property owners within the C-3 zoning district and to all property owners and tenants within 300 feet of properties zoned C-3, was sent via email 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, was posted in accordance with Corte Madera Municipal Code Section 1.08.010, and California Government Code Sections 65090 and 65091(a)(1) and 65091(a)(3), and was published in the Marin Independent Journal, a newspaper of local circulation, on February 13, 2016; and

WHEREAS, on February 23, 2016 the Corte Madera Planning Commission held a public hearing on the proposed General Plan Amendment, and heard testimony from the applicant and interested parties; and

WHEREAS, by Resolution No. 16-007, the Planning Commission did recommend the Town Council adopt an amendment to the General Plan to add the C-3 zoning district to the list of Applicable Zoning Districts within the Mixed-Use Commercial land use designation of the Land Use Element; and

WHEREAS, on March 4, 2016, public hearing notices were mailed to all property owners within the C-3 zoning district and to all property owners and tenants within 300 feet of properties zoned C-3, was sent via email to all individuals and groups that have registered on the Town's website to receive Town Council notices and/or general community news and information, was posted in accordance with Corte Madera Municipal Code Section 1.08.010, and California Government Code Sections 65090 and 65091, and was published in the Marin Independent Journal, a newspaper of local circulation, on March 5, 2016; and

WHEREAS, on March 15, 2016 the Corte Madera Town Council held a public hearing on the proposed General Plan Amendment, and heard testimony from the applicant and interested parties, and accepted the recommendation of the Planning Commission, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby find and resolve 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 decision regarding this General Plan Amendment includes, but is not limited to: (1) all staff report, Town files and records and other documents prepared for and/or submitted to the Planning Commission and Town Council relating to the General Plan Amendment, (2) the 2009 General Plan; (3) the Final Environmental Impact Report (FEIR) for the 2009 General Plan; (4) all documentary and oral evidence received at public hearings or submitted to the Town relating the General Plan Amendment, (5) all matters of common knowledge to the Town Council and the Town, including, but not limited to, Town, State, and federal laws, policies, rules and regulations, reports, records and projections related to development in the Town and surrounding areas.

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

Section 2. General Plan Consistency

Based on the Record, the Town Council finds that the General Plan Amendment adding the C-3 zoning district to the list of Applicable Zoning Districts in the Mixed-Use Commercial land use designation is internally consistent with the Land Use Element and other Elements in the 2009 General Plan since the C-3 zoning district was originally intended to be listed as an Applicable Zoning District but was inadvertently omitted. As described in Implementation Programs LU-1.5.b, LU-1.6.b, and LU-1.7.b, the 2009 General Plan intended the continuance of existing zoning until the adoption of Community Plans. The proposed amendment would facilitate these implementation programs.

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

Based on the Record, the Town Council finds the General Plan Amendment is not subject to CEQA pursuant to Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, and that the proposed General Plan Amendment is within the scope of the Program EIR for the 2009 General Plan, certified by the Town Council on April 21, 2009, and therefore no subsequent EIR is required pursuant to CEQA Guidelines Section 15162 and 15168. The General Plan Amendment continues the range of activities permitted in C-3 zoning districts prior to the adoption of the 2009 General Plan and intended to continue after the adoption of the 2009 General Plan, and which was analyzed in the Program EIR for the 2009 General Plan.

Section 4. Amendment

Based on the foregoing, the Town Council of the Town of Corte Madera hereby adopts the amendment to the General Plan by making the following change to pg. 2-21 of the 2009 General Plan shown in underline:

Mixed-Use Commercial:

This 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. The designation is intended to encourage a variety of community activities and services to co-exist in close proximity to one-another (such as jobs, housing and services), thereby reducing the need for extensive automobile travel. Reduced parking standards may be allowed when the site is located within .25 mile of a transit stop.

Minimum Lot Size: 20,000 square feet

Floor Area Ratio: Up to .34

Approximate Development Density: From 15.1 to 25.0 dwelling units per gross acre, and up to 31.0 dwelling units per gross acre if meeting State requirements for density bonus


Approximate Population Density: From 33 to 70 persons per gross acre

Applicable Zoning Districts: O (Professional and Administrative Office District); C-1 (Local Shopping District); C-3 (Highway Commercial); C-4 (Commercial Service District); M (Light Industrial District); AHMU (Affordable Housing Mixed-Use District); PD (Planned Development Overlay District); BRNH (Baylands Risk Zone and Natural Habitat Overlay District); also, the Town will amend the Zoning Code to include MRX (Mixed Use District)

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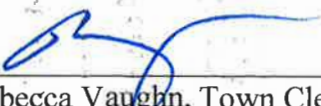
I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 15th day of March, 2016, by the following vote, to wit:

AYES:	Councilmembers:	Andrews, Bailey, Condon, Furst, Lappert
NOES:	Councilmembers:	- None -
ABSTAIN:	Councilmembers:	- None -
ABSENT:	Councilmembers:	- None -



Sloan C. Bailey, Mayor

ATTEST:



Rebecca Vaughn, Town Clerk