

RESOLUTION NO. 05/2017

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE MARIN COUNTRY DAY SCHOOL PROJECT APPLICATION FOR A GENERAL PLAN AMENDMENT, A REZONING, AN AMENDMENT TO THE EXISTING USE PERMIT AND DESIGN REVIEW TO ALLOW THE CONSTRUCTION OF TWO NEW CREEKSIDE CLASSROOM BUILDINGS, A NEW PERFORMING ARTS BUILDING, A NEW UPPER SCHOOL RESTROOMS/OFFICES, NEW LOWER SCHOOL BATHROOMS AND TEMPORARY CLASSROOMS AT 5221 PARADISE DRIVE,

WHEREAS, On April 21, 2009, the Town Council conducted 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 considered all oral and written comments submitted to the Town regarding the same prior to taking its action. By Resolution No. 3595, the Town Council certified the FEIR for the General Plan, and considered 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, Marin Country Day School submitted an application on September 1, 2015 for a General Plan Amendment, Rezoning, Amended Conditional Use Permit, Improvement Project and Design Review (hereinafter referred to as the “Marin Country Day School Project”) for the 32.4-acre school property located at 5221 Paradise Drive; and

WHEREAS, the Town contracted with Amy Skewes-Cox, AICP, to conduct an environmental review of the proposed project; and

WHEREAS, after completion of an Initial Study a Mitigated Negative Declaration was prepared. The Initial Study and Mitigated Negative Declaration identifies and analyzes potential environmental impacts and the mitigation measures, which if adopted, will reduce any potential impacts to less than significant, which have been agreed to by the applicant, and incorporated by reference into the project conditions of approval; and

WHEREAS, on October 4, 2016 the Notice of Completion and Draft Initial Study/Environmental Checklist for the Marin Country Day School project was filed with the State Clearinghouse beginning a 30-day public review period; and

WHEREAS, on October 4, 2016 the Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration for the Marin Country Day School project was filed with the Marin County Clerk; and

WHEREAS, on October 4, 2016 the Notice of Availability of the Draft Initial

Study/Environmental Checklist and Notice of Public Hearing for the Marin County Day School project were mailed to residents within 300 feet of the subject property;

WHEREAS, on November 10, 2016, the Corte Madera Planning Commission held a public hearing on the item, heard comments from the applicant and interested parties, and at the close of the public hearing voted unanimously to adopt Resolution No. 16-031, recommending to the Town Council of the Town of Corte Madera that it certify the Mitigated Negative Declaration, and approve the General Plan Amendment, Rezoning, Amendment to the existing Use Permit and Design Review thereby allowing construction of two new classroom buildings, one new Performing Arts building, new Upper School restrooms/office, new Lower School restrooms, and other renovations at 5221 Paradise Drive; and

WHEREAS, on November 18, 2016 the Town sent a notice to all properties within 300 feet of the project site announcing the December 6, 2016 Town Council meeting; and

WHEREAS, on December 6, 2016 the Town Council held a public hearing on the item, heard comments from the applicant and interested parties, and at the close of the public hearing voted unanimously to continue the application to January 17, 2017; and

WHEREAS, on January 6, 2017 the Town sent a notice to all properties within 300 feet of the project site announcing the January 17, 2017 Town Council meeting; and

WHEREAS, on January 17, 2017, the Town Council of the Town of Corte Madera conducted a public hearing on the Project, including the environmental determination, and considered 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 hereby finds and resolves 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 Council 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 Initial Study/Mitigated Negative Declaration for Marin Country Day School Improvements Project, Rezoning, General Plan Amendment, Design Review, and Amendment to the Existing Conditional Use Permit, (4) all staff reports, Town files and records and other documents

prepared for and/or submitted to the Town Council relating to the Marin Country Day School Improvements Project, Rezoning, General Plan Amendment, Design Review, and Amendment to the Existing Conditional Use Permit, (5) the recommendation of the Planning Commission (6) all documentary and oral evidence received at public hearings or submitted to the Town relating to the project, and (8) all matters of common knowledge to the Council 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 Mitigated Negative Declaration prepared for the Project, the Town Council must consider the proposed Initial Study and Mitigated Negative Declaration and make the following findings:

1. **The Mitigated Negative Declaration adequately assesses the environmental impacts of the proposed project. Acceptable mitigation measures have been identified, and have been incorporated into the proposed project and shall be required as conditions of approval to reduce the level of all potentially significant impacts to the level of insignificance.**

The Initial Study (IS), Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program (MMRP) (located on the Town's Website under Planning Commission Meetings) outline the potential environmental effects of the project in accordance with CEQA. These documents demonstrate that although potential significant impacts were identified in the Initial Study, with the implementation of the mitigation measures in the MMRP and the conditions of approval listed in the staff report, any potential project impacts will be reduced to less than significant. .

2. **Pursuant to §21081.6 of the Public Resources Code, a Mitigating Monitoring and Reporting Program has been prepared, incorporated into the conditions of approval for this project and the applicant has agreed to the mitigation measures.**

This MMRP was prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of a mitigation monitoring program when mitigation measures are required to avoid significant impacts. The monitoring program is intended to ensure compliance during implementation of the project.

This MMRP has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration. This MMRP identifies mitigation measures recommended in the Initial Study/Mitigated Negative Declaration to avoid or reduce identified impacts, and specifies the agencies/parties responsible for implementation

and monitoring of the measure.

For the Marin Country Day School Improvements Project, General Plan Amendment, Rezoning, Design Review, and Amendment of the Existing Conditional Use Permit project, the mitigation measures will be overseen by the Town of Corte Madera Planning Department and/or Public Works Department. The applicant has agreed to the mitigation measures and signed the MMRP.

3. Adoption of this Mitigated Negative Declaration reflects the independent judgment of the approval authority of the Town of Corte Madera.

The MND was prepared by a team of professional environmental consultants lead by Amy Skewes –Cox, AICP under contract with the Town of Corte Madera. The Town chose the consultants to prepare the MND, independent of input from the applicant. The consultants performed their tasks under the direction of the Town and were paid from funds deposited with the Town by the applicant. The MND was reviewed by staff and revised by the consultant team. A Notice of Completion was filed with the State Clearinghouse which began a 30-day public review period. A Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration for the Marin Country Day School project was also filed with the Marin County Clerk. The general public was notified through the Town’s website, the posting of notices at Town Hall, the post office and both Town fire stations. Notices were also sent to all residences within 300 feet of the project site.

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 Council’s decision memorialized in this Resolution is based.

All documents related to this project, except those under the authority of the Town’s legal counsel, are available for public review. The documents are located at 300 Tamalpais Drive, Corte Madera, CA. Any questions regarding the documents should be directed to the Corte Madera Planning Department – 415-927-5064 or plcounter@tcmmail.org

5. The Town Council considered the proposed Initial Study/Mitigated Negative Declaration, together with all public comments received during the public review process and based on the whole record, finds that the Marin Country Day School project as proposed with the mitigation measures and project conditions has reduced any potential environmental impacts to less than significant.
6. The Mitigated Negative Declaration reflects the lead agency’s independent judgement and analysis.

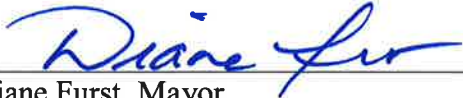
In particular, the Town Council has reviewed the Mandatory Findings of Significance (Section XVII of the Initial Study/Mitigated Negative Declaration) and concurs with the findings that the Project will have a less than significant impact on the environment for the reasons specified.

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 17th day of January, 2017, by the following vote, to wit:

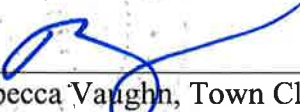
AYES: Councilmembers: ANDREWS, BAILEY, CONDON, FURST

NOES: Councilmembers: - NONE -

ABSENT: Councilmembers: - NONE -



Diane Furst, Mayor

ATTEST:


Rebecca Vaughn, Town Clerk