

RESOLUTION NO. 6/2017

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE ZONING
ORDINANCE AMENDMENT (ORDINANCE 964) REZONING PROPERTY LOCATED
AT 72 INDUSTRIAL WAY (APN 023-040-15) FROM ADMINISTRATIVE AND
PROFESSIONAL OFFICE TO PARKS OPEN SPACE, AND NATURAL HABITAT,
AND THE APPROVAL OF THE GENERAL PLAN AMENDMENT (RESOLUTION NO.
7/2017) .**

WHEREAS, the Marin Audubon Society (MAS) made application for a General Plan Amendment and Zoning Ordinance Amendment on October 13, 2016; and

WHEREAS, the proposed General Plan Amendment and Zoning Ordinance Amendment (the "Project") would facilitate a marsh restoration project at 72 Industrial Way by changing the Corte Madera General Plan Land Use Diagram and Zoning Map to be consistent with the proposed marshland habitat use on the project site; and

WHEREAS, the Corte Madera Planning Department deemed the application complete on October 27, 2016; and

WHEREAS, on October 28, 2016 after review of the proposed project and completion of an Initial Study, Town staff, in consultation with Marjorie Macris, FAICP, determined that although the project could have a significant effect on the environment, there will not be any significant impacts in this case because revisions in the project have been made and mitigation measures have been agreed to by the applicant and therefore the project qualifies for a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15070; and

WHEREAS, on October 28, 2016, the Notice of Completion and Draft Initial Study for the proposed project was filed with the State Clearinghouse (SCH #: 2016102066); and

WHEREAS, on October 28, 2016 the Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration was filed with the Marin County Clerk, mailed to residents and property owners within a minimum 300 foot radius from the project site, distributed by e-notification to all those subscribed to the Town's Planning Department e-notification system, placed on the Town's website as a news flash item, and posted in three public places, in compliance with California Government Code Section 65854, Section 65090, and Section 65091; and

WHEREAS, on November 18, 2016 a Notice of Public Hearing was mailed to property owners within a minimum 300 foot radius from the project site, distributed by e-notification to all those subscribed to the Town's Planning Department e-notification system, placed on the Town's website as a news flash item, posted in three public places, and was published in the Marin Independent Journal, a newspaper of with daily local circulation, on November 19, 2016; and

WHEREAS, on November 29, 2016 the Planning Commission conducted a public hearing on the proposed Project, heard and considered all oral and written comments submitted to the Town regarding same prior to making its recommendation to the Town Council regarding the Project, including the General Plan Amendment at issue herein, and

WHEREAS, by Resolution 16-034, the Planning Commission considered and recommended, by a vote of 4-0, 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 16-034, the Planning Commission considered and recommended the Town Council adopt amendments to the Town of Corte Madera Zoning Ordinance and General Plan; and

WHEREAS, on January 6, 2017, a Notice of Public Hearing was mailed to property owners within a minimum 300 foot radius from the project site and to interested parties, distributed by e-notification to all those subscribed to the Town's Planning Department e-notification system, posted in three public places, and published in the Marin Independent Journal, a newspaper of with daily local circulation, on January 7, 2016, in compliance with California Government Code Section 65854, Section 65090, and Section 65091; 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 comments submitted to the Town regarding the same prior to taking its actions on the Project.

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 Town Council bases its decision includes, but is not limited to:

(1) the 2009 Corte Madera General Plan, (2) all staff reports, Town files and records and other documents, including the Initial Study/Mitigated Negative Declaration prepared for and/or submitted to the Town Council relating to the Zoning Ordinance Amendment, (3) all documentary and oral comments received at public hearings or submitted to the Town relating the Zoning Ordinance Amendment, (4) all matters of common knowledge to the Planning Commission 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.

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 Mitigated Negative Declaration and make the following findings:

1. The Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Review Act.
2. The Town Council has considered the proposed Mitigated Negative Declaration, together with the whole record, including all public comments received during the public review process, and based on the whole record, there is not substantial evidence that the project will have a significant effect on the environment.
3. The Mitigated Negative Declaration reflects the lead agency's independent judgement and analysis.
4. Pursuant to §21081.6 of the Public Resources Code, a Mitigating Monitoring and Reporting Program has been prepared and incorporated into the conditions of approval for this project.
5. 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 Initial Study/Mitigated Negative Declaration prepared by Marjorie Macris, FAICP for the Town of Corte Madera Planning Department, dated October 2016, and based on its independent judgement and analysis determines that the Mitigated 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 (Pg. 45 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