

RESOLUTION NO. 7/2017

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE
MADERA AMENDING THE TOWN OF CORTE MADERA GENERAL PLAN
BY AMENDING THE LAND USE DIAGRAM OF THE LAND USE ELEMENT,
CHANGING THE LAND USE DESIGNATION FOR 72 INDUSTRIAL WAY
(APN 023-040-15) FROM OFFICE TO WETLANDS AND MARSHLANDS**

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 a significant effect 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 testimony 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 with the required mitigation measures, 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, including the proposed amendment to the General Plan.

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 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.

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

Based on the facts, evidence, analysis, comments, and findings contained in Town Council Resolution 6/2017, the adoption of Ordinance 964 will not have a significant effect on the environment and the MND was prepared in accordance with CEQA regulations.

Section 4. General Plan Consistency

The Town Council of the Town of Corte Madera hereby finds that the proposed General Plan amendment to the Land Use Element changing the land use designation of 72 Industrial Way from Office to Wetlands and Marshlands, as described in Exhibit A, attached hereto, is in the best interest of the Town because it facilitates habitat restoration contiguous to lands currently serving as a nature preserve and a home to endangered species, thereby maximizing the value of the property as an environmental resource. The Town Council notes that land to the north, east, and south is all currently designated as Wetlands and Marshlands on the General Plan Land Use Diagram and therefore the change for 72 Industrial Way would be consistent with the predominant land use policy for this area and would preclude the potential development of incompatible uses on the site. Furthermore, the Town Council recognizes that facilitating the proposed marsh restoration project would further several of the Town's land use and environmental goals identified in the Resource Conservation and Sustainability chapter of the General Plan. Some of the policies and programs include:

Policy RCS-6.1

Protect natural values of open space and habitat areas while promoting recreational and related uses that are compatible with resource protection.

Implementation Program RCS-6.1.a: Open Space Uses

Maintain open space areas in natural states, making open space recreational use secondary to protection of resources by implementing General Plan Land Use policies.

Policy RCS-6.2

Protect wetlands (as defined herein), other waters of the United States, and essential habitat for special status species, including, but not limited to, other wetland habitat areas, habitat corridors, and sensitive natural communities.

Implementation RCS-6.2.b: Restoration Objectives

Where feasible (as defined under State CEQA Guidelines Section 15364), restore lost or damaged habitat. Support restoration objectives for local habitat types identified by the

California Department of Fish and Game and in other regional environmental planning documents.

Policy RCS-7.1

Conserve, restore and enhance areas containing important habitat, wetlands (as defined herein) and special-status species.

Implementation Program RCS-7.1.a: Protect Biodiversity

Protect areas known to support a high degree of biological diversity and that may contain species known to be rare or protected under the State or Federal Endangered Species Acts. These include the Town's tidal wetlands, freshwater wetlands, and hillside oak woodlands...

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Council of the Town of Corte Madera hereby adopts the General Plan Amendment, attached hereto as "Exhibit A."

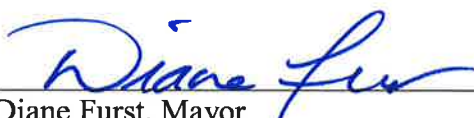
* * * * *

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

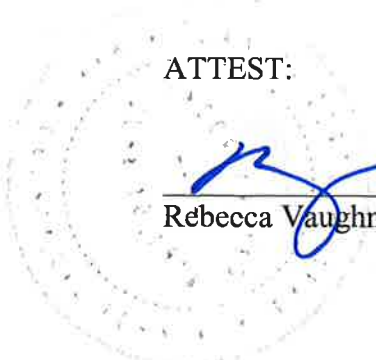
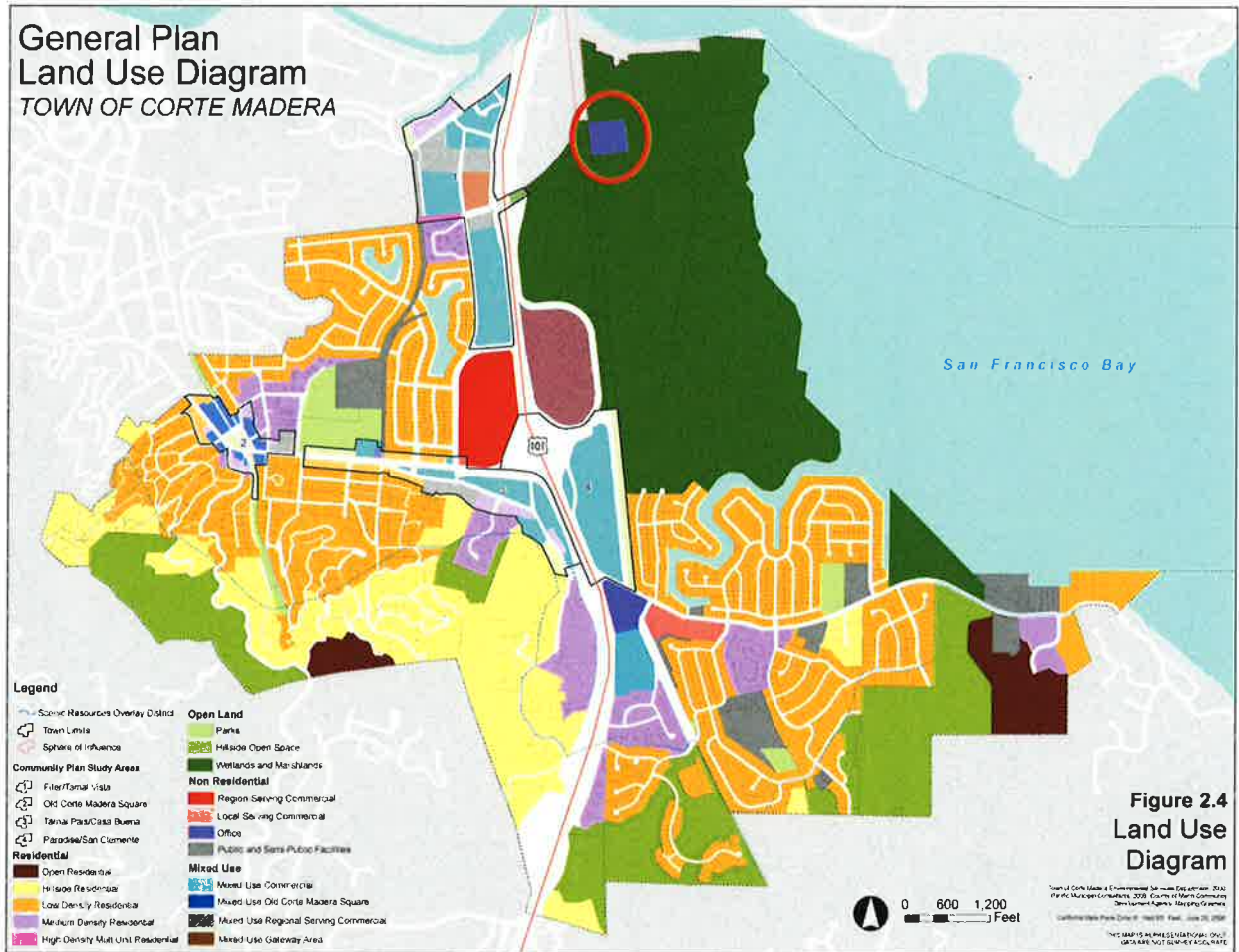


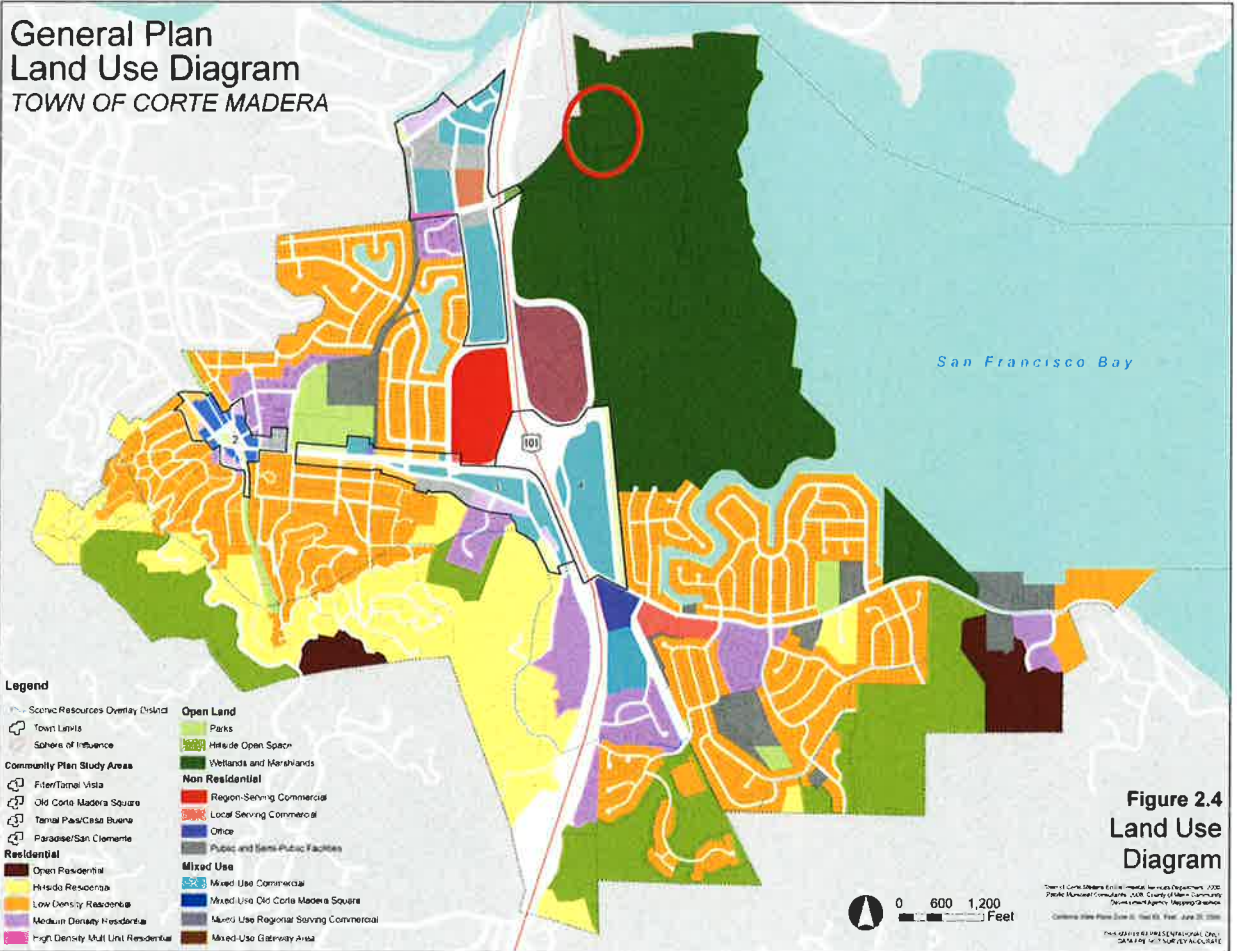
EXHIBIT A

AMENDMENT TO GENERAL PLAN LAND USE DIAGRAM



EXISTING LAND USE DIAGRAM

**General Plan
Land Use Diagram**
TOWN OF CORTE MADERA



**Figure 2.4
Land Use
Diagram**

PROPOSED LAND USE DIAGRAM