

**RESOLUTION NO. 44/2017**

**GENERAL PLAN AMENDMENT**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA  
AMENDING THE TOWN OF CORTE MADERA'S GENERAL PLAN LAND USE DIAGRAM,  
CHANGING THE LAND USE DESIGNATION FOR 5164 PARADISE DRIVE (APN 026-230-48)  
FROM LOW DENSITY RESIDENTIAL TO PUBLIC/SEMI-PUBLIC FACILITIES**

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**WHEREAS**, the Town Council of the Town of Corte Madera adopted a comprehensive update to the Corte Madera General Plan on April 21, 2009 (the "2009 General Plan"); and

**WHEREAS**, the purpose of the General Plan is to enable the Planning Commission and the Town Council to make informed actions on long-range development policies, environmental protection and other programs; and

**WHEREAS**, the purpose of the General Plan is to inform the public of the Town's policy approaches and to serve as a vehicle to invite public participation in the Town's decision-making process; and

**WHEREAS**, the purpose of the General Plan is to provide a basis for evaluating whether private and public development proposals and public programs are in harmony with Corte Madera's short- and long-term vision; and

**WHEREAS**, the purpose of the General Plan is to provide a basis for developing implementation programs and detailed regulations and standards; and

**WHEREAS**, the purpose of the General Plan is to allow private developers and public agencies to design projects and programs that are consistent with Corte Madera's policies; and

**WHEREAS**, the main campus of t has a land use designation of Public and Semi-Public Facilities; and

**WHEREAS**, the Public and Semi-Public Facilities includes uses that service a public or semi-public function, including public and private schools, places of religious assembly, and public buildings. It also allows areas necessary for public service installations, including public and private drainage ways, retention ponds and flood control facilities, such as pump stations, floodgates and floodwalls, and other sites necessary for public facilities and services; and

**WHEREAS**, the undeveloped area of the project parcel has a land use designation of Open Residential; and

**WHEREAS**, Low Density Residential land use is intended for areas with special characteristics such as steep slopes or potentially unstable soils or geologic conditions. This designation is also intended for areas having special open space value due to their visual character or habitat resource potential, including site proximity to regional open space areas. Single-family houses and accessory residential uses with very low intensity characteristics (such as low parking generation) are allowed, including second residential units; and

**WHEREAS**, Marin Montessori School submitted an application for a General Plan Amendment, Rezoning, Amended Conditional Use Permit, Improvement Project and Design Review (hereinafter referred to as the "Marin Montessori School Project") for the 5.57-acre school property located at 5200, 5168, and 5164 Paradise Drive; and

**WHEREAS**, the Town contracted with Sean Kennings, to conduct an environmental review of the proposed

project. After review of the project and preparation of the Environmental Checklist, an Initial Study/Mitigated Negative Declaration was prepared for the Marin Montessori School Project; and

**WHEREAS**, on April 7, 2017 the Notice of Completion and Draft Initial Study/Environmental Checklist for the Marin Montessori School project was filed with the State Clearinghouse beginning a 30-day public review period; and

**WHEREAS**, on April 7, 2017 the Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration for the Marin Montessori School project was filed with the Marin County Clerk; and

**WHEREAS**, on April 7, 2017 the Notice of Availability of the Draft Initial Study/Environmental Checklist and Notice of Public Hearing for the Marin Montessori School project were mailed to residents within 300 feet of the subject property; and

**WHEREAS**, on May 12, 2017 a Notice of Public Hearing for the Marin Montessori School project was mailed to interested parties and residents within 300 feet of the subject property and posted to the project page on the Town of Corte Madera website; and

**WHEREAS**, on May 23, 2017, the Corte Madera Planning Commission held a public hearing on the item, heard testimony from the applicant and interested parties, and requested further information from the applicant for presentation at a second continued Planning Commission hearing for date certain on June 13, 2017; and

**WHEREAS**, on June 2, 2017 a Notice of Public Hearing for the Marin Montessori School project was mailed to interested parties and residents within 300 feet of the subject property and posted to the project page on the Town of Corte Madera website;

**WHEREAS**, on June 13, 2017, the Corte Madera Planning Commission held a public hearing on the item, heard additional testimony from the applicant and interested parties, and requested that staff prepare a Resolution recommending approval of the Marin Montessori School Project with Conditions of Approval for presentation and review at a continued Planning Commission hearing for date certain on June 27, 2017; and

**WHEREAS**, on June 2, 2017 a Notice of Public Hearing for the Marin Montessori School project was mailed to interested parties and residents within 300 feet of the subject property and posted to the project page on the Town of Corte Madera website;

**WHEREAS**, on June 27, 2017, the Corte Madera Planning Commission held a public hearing on the item, heard testimony from the applicant and interested parties, and adopted Resolution No. 17-013, recommending to the Town Council adopt the Mitigated Negative Declaration, and approve the General Plan Amendment, Rezoning, Amendment to the existing Use Permit and Design Review thereby allowing inclusion of the existing residential structures and parcel located at 5164 Paradise Drive into the Marin Montessori School campus, allowing the construction of a new upper elementary classroom building and site modifications at 5200, 5168 and 5164 Paradise Drive, based upon the findings listed below in accordance with Chapter – 1, 2 and 5 of the Corte Madera General Plan and Chapters 18.02, 18.06, 18.08, 18.16, 18.18, 18.26, 18.30 of the Corte Madera Municipal Code, and subject to conditions of approval.

**WHEREAS**, on September 8, 2017 the Town sent a Notice of Public Hearing to all interested parties and properties within 300 feet of the project site and posted to the project page on the Town of Corte Madera website announcing the September 19, 2017 Town Council meeting; and

**WHEREAS**, on September 19, 2017 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 requested further information from the applicant for presentation at a continued Town Council hearing; and

**WHEREAS**, on October 27, 2017 the Town sent a Notice of Public Hearing to all interested parties and properties within 300 feet of the project site and posted to the project page on the Town of Corte Madera website announcing the November 7, 2017 Town Council meeting; and

**WHEREAS**, on November 7, 2017 the Town Council held a continued public hearing on the item, heard comments from the applicant and interested parties, and at the close of the public hearing voted unanimously to approve the application; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Town Council approves the General Plan Map Amendment to increase the area with the Land Use designation of Public Semi Public to the east by .5-acres and decrease the area designated R-1-A-1 by the same amount, as shown in Exhibit A

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 45/2017, 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 5164 Paradise Drive from Low Density Residential to Public/Semi-Public as described in Exhibit A, attached hereto, is in the best interest of the Town because the proposed renovations and other site improvements for the existing buildings on this property are consistent with a school use. The proposed General Plan amendment includes appropriate measures to reduce land use conflicts between school and residential uses where such uses are permitted through the granting of a Conditional Use Permit. The proposal is consistent with the General Plan objectives because it does not create conflicts with the general health, safety and welfare of residential uses in the surrounding area. The General Plan and Zoning designation for the MMS property is for Public and Semi-Public uses. A school use is consistent with this designation. The application also includes a General Plan Amendment and rezoning for an approximately .5-acre area of the site that is now designated Low Density Residential in the Corte Madera General Plan and zoned R-1-A (Residential District). This area would be re-designated as Public and Semi-Public Facilities (P/SP). The General Provisions of the Public Use Districts

include operational standards and physical standards of buildings. The construction of the proposed new buildings on this 5.57-acre school campus is in compliance with all such General Provisions. The proposed conditional use complies with development in the P/SP zoning district. The proposal conforms to General Plan objectives to ensure that the present, unique character of the Town's different neighborhoods is protected and enhanced.

The proposed development conforms to the following General Plan Land Use, Community Design, and Public Safety and Hazards policies:

***POLICY LU-2.7 - Residential Districts shall provide for a range of supporting services to meet special community needs, such as schools, places of religious assembly, day care operations and quasi-public uses and activities....***

***Implementation Program LU-3.2.a: Infill Objectives - Support infill development if findings can be made that the proposal is consistent with the infill goals and policies outlined herein, would be consistent with applicable provisions of the General Plan and would ensure land use compatibility with established neighborhood character. Approvals for infill development projects shall be based on findings of fact that the proposed projects have the potential to achieve one or more of the following attributes: ..... Provide convenient access to transportation facilities and public transit, as well as schools.....***

The proposed conversion and modifications to 5164 Paradise Drive will include a land use that is consistent with existing uses at the adjacent MMS main campus. Proposed traffic calming measures and operational activities have been included in the project to ensure compatibility with neighboring residences. The proposed project includes constructing six new on-site parking spaces to further reduce parking congestion near the project sites.

***Policy LU-4.5 Ensure that the appearance of non-residential development contributes positively to the community's image.***

The proposed new classroom and modifications to the residential buildings will be visible to the public from the BCDC trail to the north and Paradise Dr. and Robin Dr. to the south. The buildings are designed in a way that is compatible with the existing structures and will be constructed with high quality materials, including composite decking materials and wildlands urban interface rated windows and doors.

***Policy LU-6.4: Provide high-quality primary and secondary educational facilities to accommodate projected student enrollments.***

The proposed new classroom and modifications to the residential buildings will provide updated educational facilities for the current and capped MMS student enrollment while providing multi-purpose spaces for indoor sport and

***Policy CD-1.2: Require residential, non-residential and infrastructure design that respects natural areas and ecosystems within Corte Madera.***

The proposed infrastructure for the project will tie into the existing system. Some impacts to the existing infrastructure will occur during construction however these impacts have been mitigated. Because the project does not include the expansion of the student population no long-term impacts to the infrastructure are anticipated. Proposed new construction is effectively setback from sensitive resources and bay shoreline areas. New construction will also comply with requirements for flood elevations. As part of the proposed project, the Applicant will remove an unpermitted floating dock attached to the existing pier on 5164 Paradise Drive. Removal of the floating dock will be consistent with Bay Conservation and Development Commission (BCDC) requirements for floating debris removal.

**Policy CD-1.3:** Encourage the use of building design and materials that conserve energy and material resources.

The applicant has developed a project design that incorporates solar orientation, skylights, and other design features intended to minimize heating and cooling costs. New construction is proposed to be LEED certified.

**Policy CD-4.2:** Encourage non-residential development to utilize a unified or consistent design theme, particularly when involving multiple structures as part of one project. Thematic and stylistic diversity may be allowed when the overall project design achieves a harmonious effect.

The proposed project is designed to be consistent with existing MMS buildings on the western and middle portions of the main campus. Proposed materials and colors are subdued in nature and provide a cohesive aesthetic theme for the entire property. Landscape and site modifications would also provide a unifying design element.

**Policy CD-4.8:** Ensure that new non-residential construction conforms to the desired design character of the Town.

The repurposing and renovation of buildings on 5164 Paradise Drive continues the residential aesthetic of existing buildings and provides a buffer between adjacent residential properties and the main portion of the MMS campus. New construction is designed to be consistent with existing MMS buildings on the western and middle portions of the main campus. Mature landscaping would remain largely intact.

**POLICY PSH – 5.2:** The interior and exterior noise level standards for noise-sensitive areas of new uses affected by non-traffic noise are as follows (Table 8.2):

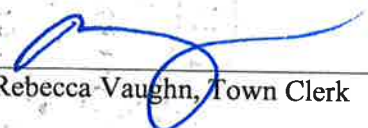
As detailed in the IS/MND, the proposed annexation of the 5164 Paradise Drive property would include specific design modifications and noise related mitigation measures, including yard use restrictions and hourly teaching activities, that are intended to keep outdoor school activities on this property within the allowable limits as detailed in Table 8.2.

\* \* \* \* \*

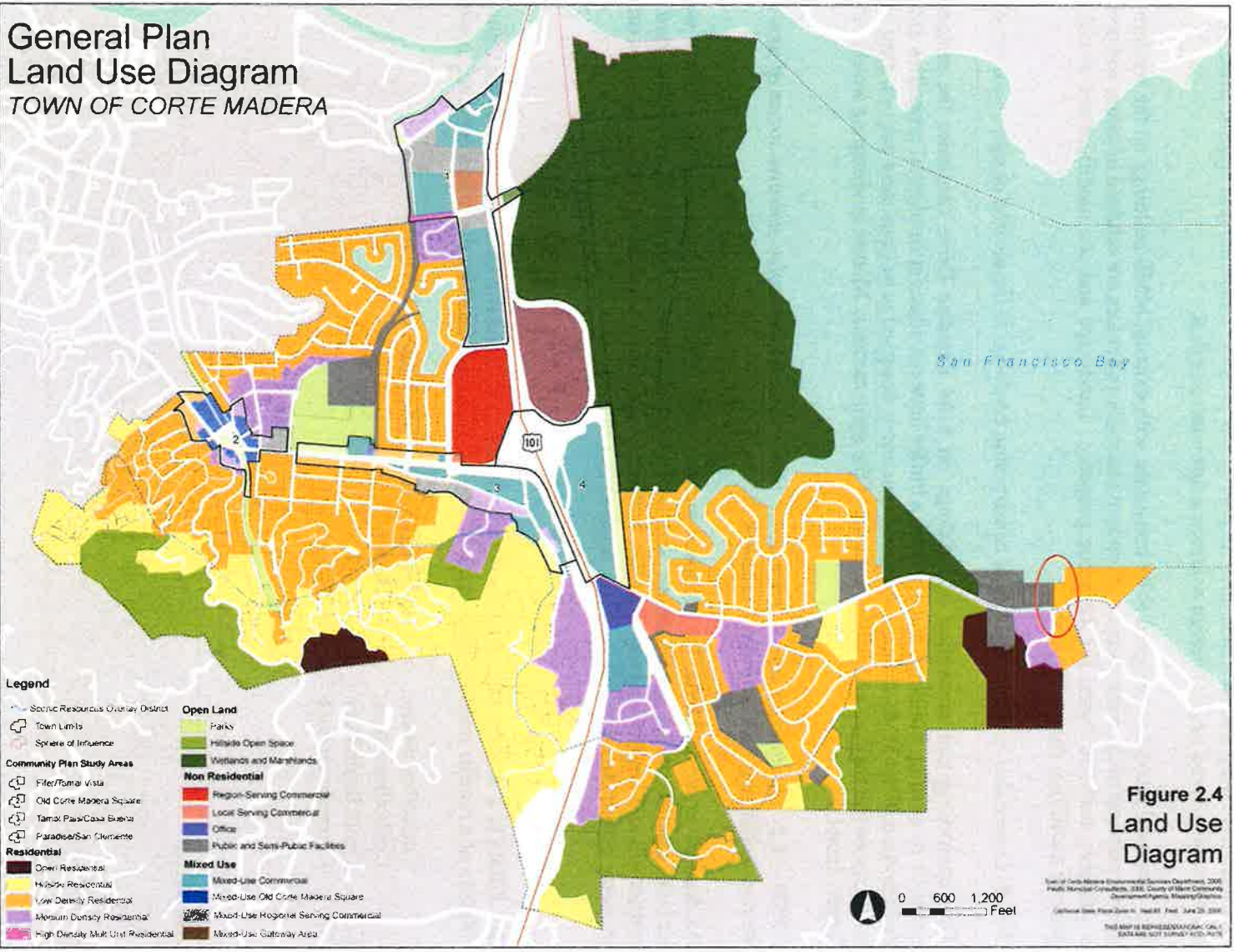
**I HEREBY CERTIFY** that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 7<sup>th</sup> day of November 2017 by the following vote, to wit:

AYES:	Councilmembers:	ANDREWS, BAILEY, FURST, RAVASIO
NOES:	Councilmembers:	- NONE -
ABSENT:	Councilmembers:	- NONE -
RECUSED:	Councilmembers:	CONDON

  
Diane Furst, Mayor

ATTEST:  
  
Rebecca Vaughn, Town Clerk

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

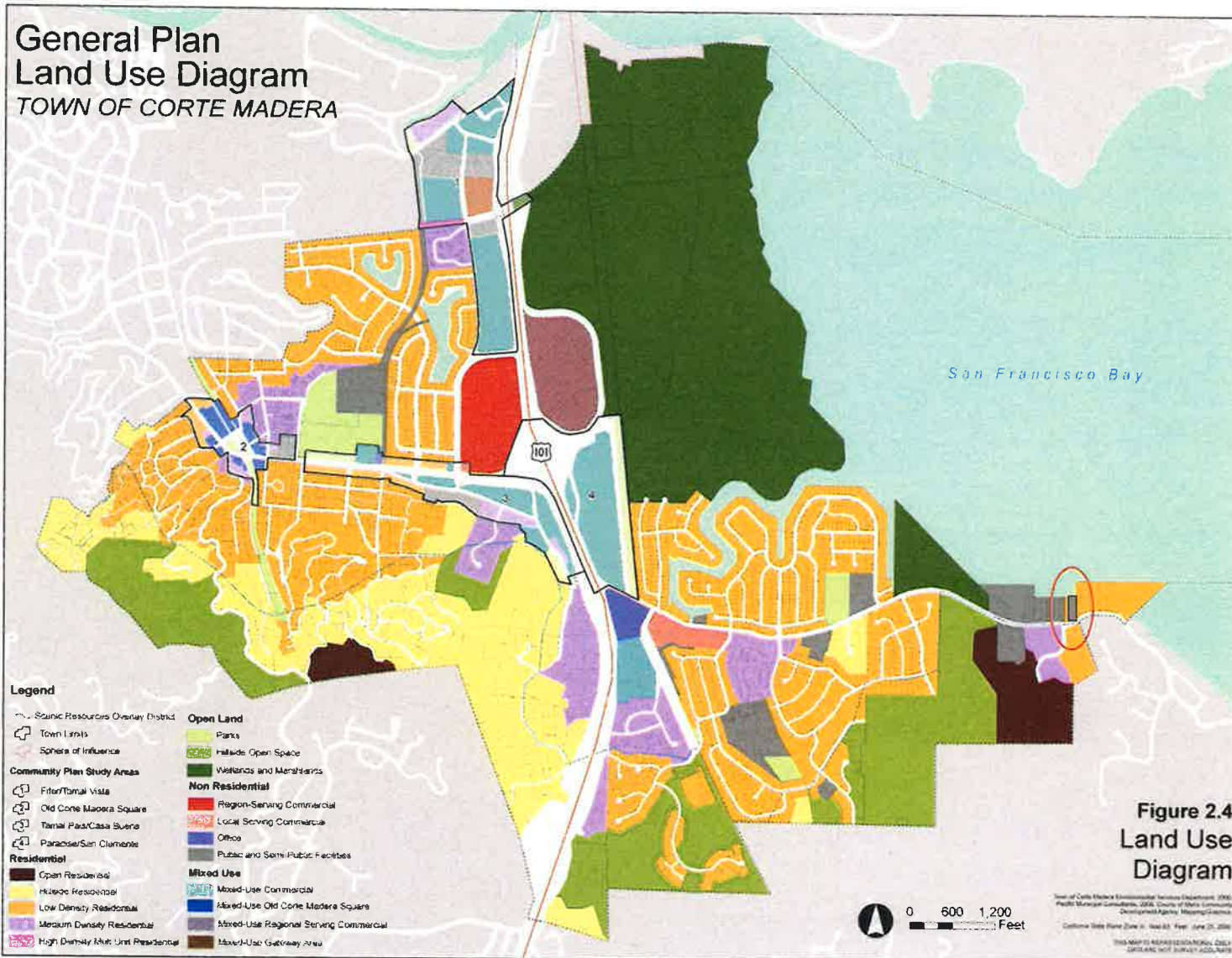


AMENDMENT TO GENERAL PLAN LAND USE DIAGRAM

EXHIBIT A

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

PROPOSED LAND USE DIAGRAM



EXISTING LAND USE DIAGRAM