

RESOLUTION NO. 55/2017
GENERAL PLAN AMENDMENT

**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 THE GRAVEL LOT (APN
024-032-19) FROM WETLANDS AND MARSHLANDS TO MIXED-USE
REGIONAL SERVING COMMERCIAL**

WHEREAS, on June 19, 2015, Corte Madera Village, LLC and Restoration Hardware (“The Applicants”) submitted an application for The Village at Corte Madera Restoration Hardware Expansion Project (“The Project”) which contained a General Plan Amendment, Rezoning, Preliminary Plan Amendment, Precise Plan Amendment and Design Review to construct a ±52,000 sq. ft. two-story RH Gallery with an open roof top courtyard and improve the Town owned Gravel Lot located on Redwood Highway northeast of the Village at Corte Madera eastern parking lot (APN-024-032-019) (Gravel Lot) to the north east of the Village; and

WHEREAS, on October 6, 2015, the Town Council, during a public business item, approved a contract with the Environmental Consulting Firm of GHD (“GHD”) to prepare Phase 1 of the Environmental Impact Report (“EIR”) for the Project; and

WHEREAS, on October 20, 2015, the Town Council, during a public business item, approved Resolution 41/2015 giving authorization to proceed with discussions and/or real estate negotiations with Macerich (a property owner at the Village shopping center) regarding potential sale, lease or other disposition of the Gravel Lot and approval of Resolution No. 42/2015 approval of an access agreement to allow Corte Madera Village, LLC access for inspection and testing of the Gravel Lot; and

WHEREAS, on February 2, 2016, the Town Council, during a public business item, approved a contract with GHD to prepare Phase 2 of the Environmental Impact Report and authorized further negotiations with Macerich for the use of the Gravel Lot for shopping center parking; and

WHEREAS, on October 25, 2016, a Notice of Preparation (NOP) for the Project EIR was filed with the State Clearinghouse and the public comment period (October 25, 2016 to November 30, 2016) regarding the scope of work for the proposed EIR commenced; this comment period was notice via: the Town’s website, the email list of individuals who had commented on or signed up for notification of this particular project, in the Marin Independent Journal, and to properties within 300 feet of the Project; and

WHEREAS, from October 25, 2016 to November 30, 2016, the Town received public comments regarding the scope of work for the proposed EIR for the Project; and

WHEREAS, on November 17, 2016, a scoping meeting which was noticed via: the Town's website, the email list of all individuals who have sign up on the Town's website to be notified of Town meetings, the email list of individuals who have commented on or signed up for notification of this particular project, the Marin Independent Journal, all properties within 300' of the project and the town reader board was held at the Town Hall to receive input from the public on the scope of work proposed by GHD for the EIR; and

WHEREAS, on December 20, 2016, the applicants revised their application, based on feedback from the community, to include a reduction in the size of the proposed building by approximately 7,000 square feet, a reduction in height by 6 feet, the addition of a café, and changes in the design elements to complement the surrounding views; and

WHEREAS, on March 21, 2017, the Town Council, during a public meeting, endorsed a proposed term sheet for a non-exclusive easement and development agreement to allow for Corte Madera Village, LLC to improve the Town's Gravel Lot and utilize resulting parking spaces for required parking for the Village at Corte Madera, including a potential Restoration Hardware Expansion project and provided direction and authorization to Town staff to draft the non-exclusive easement and development agreement consistent with the term sheet; and

WHEREAS, on July 12, 2017, a Notice of Completion (NOC) for the Project Draft Environmental Impact Report (DEIR) was filed with the State Clearinghouse and the public comment period (July 12, 2017 to August 25, 2017) regarding the DEIR commenced; this comment period was noticed via: the Town's website, the email list of individuals who had commented on or signed up for notification of this particular project, in the Marin Independent Journal, and to properties within 300 feet of the Project; and

WHEREAS, on August 8, 2017, the Planning Commission, during a public hearing, which was noticed via: the Town's website, the email list of all individuals who have sign up on the Town's website to be notified of Town meetings, the email list of individuals who have commented on or signed up for notification of this particular project, the Marin Independent Journal, hard copy mailings sent to all properties within 300' of the project, the town reader board and a posting on NextDoor.com, received comments on the DEIR; and

WHEREAS, on October 16, 2017 notices announcing the display of story poles and supplemental information to aid in understanding the physical location and scale of the proposed Project, were posted on the Town's website and sent to the email list of individuals who have commented on or signed up for notification of this particular project. Additional signage and information regarding the story poles was also made available at the project site; and

WHEREAS, on November 1, 2017, copies of the FEIR were sent to those public

agencies who commented on the Draft EIR in accordance with CEQA Guidelines Section 15088; and

WHEREAS, also on November 1, 2017, the public was notified of the availability of the FEIR and the November 14, 2017 Planning Commission public hearing via: the Town's website, the email list of all individuals who have sign up on the Town's website to be notified of Town meetings, the email list of individuals who have commented on or signed up for notification of this particular project, hard copy mailings sent to all properties within 300' of the project, the town reader board and a posting on NextDoor.com; and

WHEREAS, on November 3, 2017, additional notice of the November 14, 2017 Planning Commission public hearing, availability of the FEIR, and extension of story pole viewing period was posted as a News Flash item on the Town's website; and

WHEREAS, on November 4, 2017, a notice announcing the November 14, 2017 Planning Commission public hearing was posted in the Marin Independent Journal; and

WHEREAS, on November 14, 2017, the Planning Commission held a public hearing on the Environmental Impact Report, the applications for a General Plan Amendment, Rezoning, Preliminary Plan Amendment, Precise Plan Amendment, Design Review, Conditional Use Permit, and a Development Agreement; and

WHEREAS, also on November 14, 2017, the Planning Commission unanimously approved Resolution 17-022, by a vote of 5-0, and thereby forwarded a recommendation to the Town Council to: 1) certify the Environmental Impact Report for the Project, 2) approve the General Plan Amendment to change the land use designation of the Gravel Lot from Wetlands and Marshlands to Mixed-Use Region-Serving Commercial, 3) approve the Rezoning of the Gravel Lot from Parks, Open Space and Natural Habitat to Regional Shopping (C-2), 4) approve the Preliminary Plan Amendment for retail expansion and improvements to the Gravel Lot, 5) approve the Precise Plan Amendment for a new approximately 46,000 square foot retail store and café, modifications to the Village east entry plaza, and modifications to the Gravel Lot, 6) approve the Design Review application for a new approximately 46,000 square foot retail store and café, modifications to the Village east entry plaza, and modifications to the Gravel Lot, 7) approve the CUP for a cafe within the Regional Shopping District (C-2), and 8) approve the Development Agreement between the Town of Corte Madera and Macerich; and

WHEREAS, on November 17, 2017, notices were sent and posted announcing the December 5, 2017 Town Council public hearing; notices were sent via: the Town's website, the email list of all individuals who have sign up on the Town's website to be notified of Town meetings, the email list of individuals who have commented on or signed up for notification of this particular project, hard copy mailings sent to all properties within 300' of the project, the town reader board and a posting on NextDoor.com; and

WHEREAS, on November 25, 2017, a notice announcing the December 5, 2017 public hearing was posted in the Marin Independent Journal ;and

WHEREAS, on December 5, 2017, the Town Council held a public hearing on the Environmental Impact Report, the applications for a General Plan Amendment, Rezoning, Preliminary Plan Amendment, Precise Plan Amendment, Design Review, Conditional Use Permit, and a Development Agreement; and

WHEREAS, on December 5, 2017, the Town Council of the Town of Corte Madera held a public hearing on the Project, including the EIR, and considered all oral and written testimony submitted to the Town regarding the Project prior to taking its actions on the Project, including the proposed General Plan amendment; 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 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 Environmental Impact Report prepared for and/or submitted to the Town Council relating to the General Plan Amendment and other related land use applications, (3) all documentary and oral comments received at public hearings or submitted to the Town relating the General Plan Amendment, (4) 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 3. Compliance with the California Environmental Quality Act (CEQA)

Based on the facts, evidence, analysis, comments, and findings contained in Town Council Resolution 54/2017, the adoption of Resolution 55/2017 will not have a significant effect on the environment.

Section 4. General Plan Amendment

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 the

Gravel Lot from Wetlands and Marshlands to Mixed-Use Regional Serving Commercial, as described in Exhibit A, attached hereto, is in the best interest of the Town because the Mixed-Use Regional Serving Commercial designation would: 1) explicitly allow for public parking, including parking for commercial uses located at the Village shopping center, consistent with existing land use requirements pursuant to the 1995 agreement made between the Town and the Village owners; 2) more accurately reflect the Town's past entitlement and permit history; and 3) better represent the functional relationship between the Village and the Gravel Lot that has existed for decades and which is intended to continue with approval of the Development Agreement Ordinance. The current General Plan land use designation of Wetlands and Marshlands does not allow for public parking.

The Town Council further notes that the proposed development agreement, which would replace of the 1995 agreement, would continue to restrict the use of the Gravel Lot to public parking, would recognize for the first time community-oriented events as a permitted use, and require that the owners of the Village to improve the Gravel Lot consistent with General Plan policies intended to improve stormwater filtration, pedestrian safety, and habitat protection. Furthermore, the development agreement would shift maintenance, security, and liability costs associated with the Gravel Lot to the Village and require an annual payment to the Town. The Town Council notes that no land uses, other than those explicitly allowed in the Development Agreement, would be permitted on the Gravel Lot, for the duration that such Agreement is in effect.

In addition to the reasons mentioned above, the Town Council recognizes that the 2009 General Plan allows for additional expansion at the Village and such additional floor area will necessarily require that additional parking spaces be constructed pursuant to the Corte Madera Municipal Code. Therefore, it is important to consider where and how additional parking should be constructed at the Village. The Town Council believes it is preferable to allow new required parking to be constructed at the Gravel Lot, a lot that is already required to be a parking lot, and remain so, pursuant to the 1995 agreement, rather than in other locations, such as in a parking garage structure on the Village shopping center property itself, like that described in Alternative 2 of the DEIR. Although the General Plan anticipates the development of a parking garage structure at some point, it is preferable to avoid having to consider adding more structures and mass to the Village (and likely more significant construction impacts) given the parking resource that currently exists at the Gravel Lot.

Finally, allowing the Gravel Lot to be used as required parking for uses at the Village, and amending the Gravel Lot's General Plan land use designation to do so, would facilitate the applicant's Project, which would be consistent with several land use policies intended to further the Town's economic development goals.

In summary, the General Plan Amendment is appropriate because the proposed new designation, combined with the proposed Development Agreement, more accurately reflect historical use of the site, allow the Gravel Lot to be improved and developed as a parking resource for the Village instead of the development of a parking garage structure, and would facilitate a project otherwise consistent with the General Plan, one that would

substantially further the Town's economic development goals.

The Town Council finds that based on the above, the General Plan Amendment, changing the land use designation of the Gravel Lot from Wetlands and Marshlands to Mixed-Use Regional Serving Commercial would not create any internal inconsistencies in the Corte Madera General Plan and, by facilitating the proposed Project, would be consistent with the specific policies and programs listed below.

Policy LU-4.3

Apply flexible development standards to The Village shopping center in order to promote the community's economic development, protect and enhance the Town's tax base, and to encourage mixed-use development, including housing.

Implementation Program LU-4.3.a: Expansion of The Village Shopping Center

Allow expansion of The Village regional shopping center consistent with Town goals for establishing a mix of land uses. Encourage construction of high-density residential units (including affordable housing) on-site.

The established Floor Area Ratio for the shopping center shall be 0.47. Increased floor area may be accommodated through construction of upper stories, or through expanded building footprints when combined with construction of parking garages.

Modify the Zoning Ordinance to allow for building height bonuses of 15 feet beyond the based zone standard and/or reduce parking standards if proposed development includes affordable housing. Such increases in height shall minimize view impacts to properties with views of San Francisco Bay through thoughtful building design and placement.

Policy LU-3.1

Provide for infill development in core Town areas.

Implementation Program LU-3.1.a: Infill Locations

The General Plan Land Use Element includes policies calling for preparation of Community Plans for several key areas, and encourages redevelopment of other lands in and around commercial and office core areas of the Town. In doing so, the General Plan purposefully creates greater potential for more intensive infill development of sites that may be underutilized. Infill development can help create areas that are more compact with a diverse mixture of land uses, improve connectivity between neighborhoods and uses, reduce traffic congestion and provide a greater range of community amenities. In keeping with stated goals, infill development in core areas should also provide for transit oriented development.

Infill development may occur within the Town's four Community Plan areas, and in the Mixed Use Commercial, Commercial Services, Region-Serving Commercial and Office

land use designations. Additionally, redevelopment of older apartment complexes, in areas generally designated for Medium Density or High Density Residential, are acceptable infill developments if retaining or increasing the number of rental units, consistent with density criteria of the General Plan and state density bonus regulations.

Goal RCS – 9

Protect, restore and enhance the quality of surface and groundwater resources to meet the needs of all beneficial uses.

Policy RCS –9.1

Continue to comply with local, state, and federal standards for water quality.

Implementation Program RCS - 9.1.a:Countywide Stormwater Program

Continue to participate in the Marin County Stormwater Pollution Prevention Program and comply with its performance standards. Continue to control pollutant discharges from municipal maintenance activities through the implementation of Municipal Stormwater Ordinance 9.33 and in compliance with MCSTOPPP.

Implementation Program RCS - 9.1.b:Stormwater Runoff Measures

Continue to incorporate measures for stormwater runoff control and management in construction sites.

Policy RCS –9.2

Continue to address non-point source pollution and protect receiving waters from pollutants discharged into the storm drain system by requiring Best Management Practices.

Implementation Program RCS -9.2c:Natural Filters

Where feasible, use vegetation to absorb and filter fertilizers, pesticides, and other pollutants.

Implementation Program RCS - 9.2.f:System Improvements

Continue to improve storm drainage performance by constructing new system improvements to minimize the introduction of pollutants into natural systems. Evaluate stormwater volumes when replacing undersized or otherwise inadequate lines with larger or parallel lines.

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.”

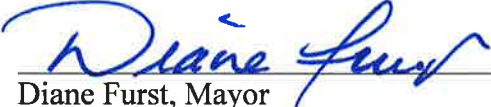
* * * * *

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 5th day of December, 2017, by the following vote, to wit:

AYES: Councilmembers: Bailey, Condon, Ravasio and Furst;

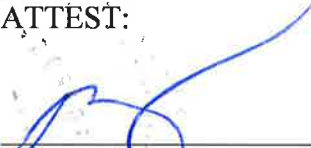
NOES: Councilmembers: Andrews

ABSENT: Councilmembers: None

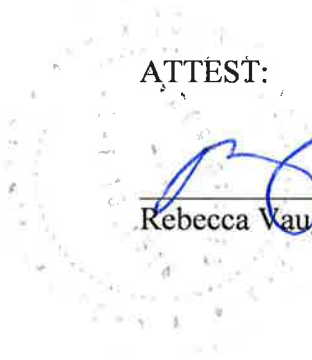


Diane Furst, Mayor

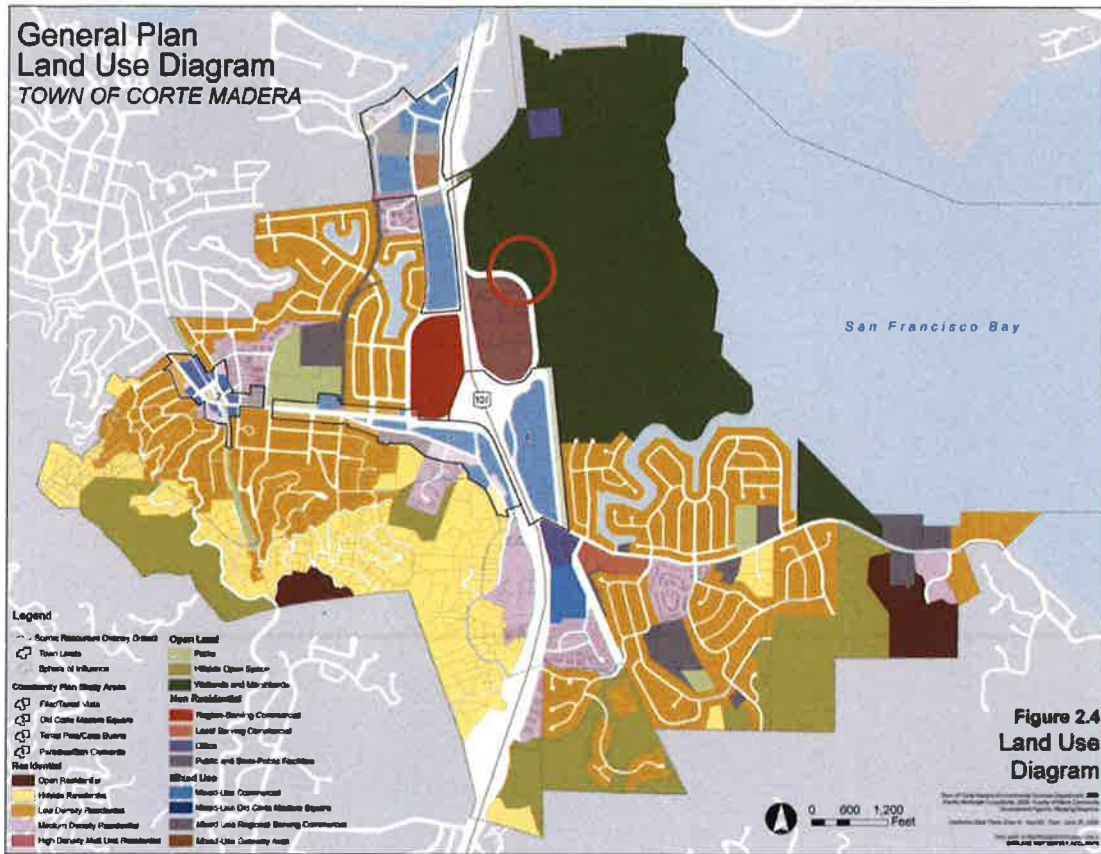
ATTEST:



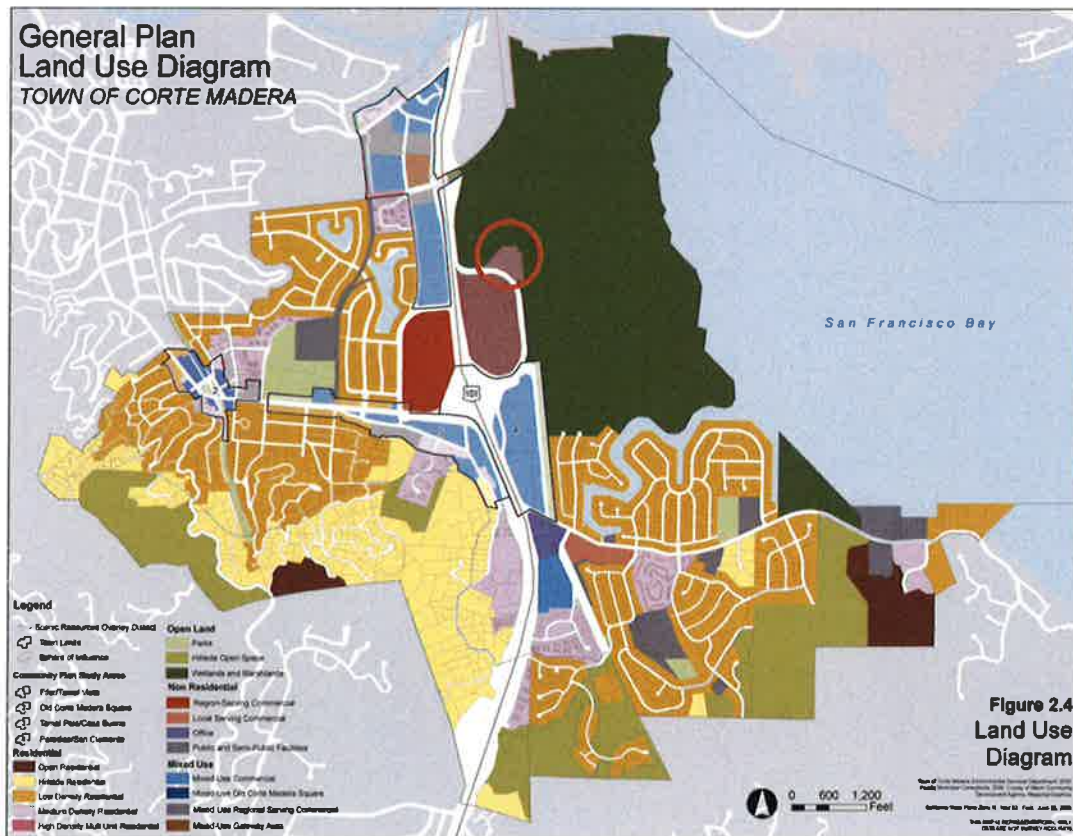
Rebecca Vaughn, Town Clerk



AMENDMENT TO GENERAL PLAN LAND USE DIAGRAM



EXISTING LAND USE DIAGRAM



PROPOSED LAND USE DIAGRAM