

**CORTE MADERA TOWN COUNCIL  
RESOLUTION NO. 6/2018**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA APPROVING AMENDMENTS TO THE LAND USE ELEMENT OF TOWN OF CORTE MADERA GENERAL PLAN AMENDING: 1) BASE HOUSING DENSITIES AND MAXIMUM FLOOR AREA RATIOS (“FAR”) IN AREAS DESIGNATED MIXED-USE COMMERCIAL ON THE TOWN’S GENERAL PLAN LAND USE DIAGRAM; 2) THE LAND USE DESIGNATION OF THE TOWN’S GRAVEL LOT LOCATED ON REDWOOD HIGHWAY (APN: 024-032-019) FROM MIXED-USE REGION-SERVING COMMERCIAL TO REGION-SERVING COMMERCIAL; and 3) MODIFYING RELATED GENERAL PLAN TEXT WHERE NECESSARY FOR CONSISTENCY WITH ABOVE AMENDMENTS.**

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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**, many commercial properties adjacent to Highway 101 were re-classified from Region-Serving Commercial or Commercial Services land use designations, which did not allow residential uses, to the Mixed-Use Commercial land use designation in the Land Use Element of the 2009 General Plan; and

**WHEREAS**, the Mixed-Use Commercial land use designation is intended to “support infill activities, and site and building redevelopment of existing neighborhood commercial centers and along commercial corridors. Allowable uses include office, light industrial (non-manufacturing), and commercial services, as well as new housing developments” and allows an approximate residential density of 15.1 – 25.0 units/acre, exclusive of density bonuses; and

**WHEREAS**, the Town prepared a Final Environmental Impact Report ("Final EIR") for the General Plan update including all policies and implementation measures set forth therein (“Related Actions”), in compliance with CEQA, Public Resources Code §21000, et seq., and the CEQA Guidelines, and on April 21, 2009, the Town Council, by the adoption of Resolution 3594, certified the Final EIR for the adoption of the 2009 General Plan and its Related Actions; and

**WHEREAS**, the 2009 General Plan, and 2011 and 2015 Housing Element updates included policies and programs to create a new Mixed-Use zoning district through the adoption of amendments to the Corte Madera Zoning Ordinance to implement the policies of the Mixed-Use Commercial land use designation, including allowances for residential uses, for those properties so designated; and

**WHEREAS**, Corte Madera Planning Department embarked upon a comprehensive

analysis and public consultation process in September 2015 (the “Tamal Vista Corridor Study”), designed to fulfill the goals and objectives in the 2009 General Plan and 2015 Housing Element for the creation of new mixed-use zoning in the “Tamal Vista Corridor” area (the east side of Tamal Vista Boulevard between Madera Boulevard and Wornum Drive).

**WHEREAS**, the Town, through the efforts of the Planning Department, Planning Commission, and Town Council, facilitated public participation, education, significant public input, and opportunities for dialogue between and amongst various community stakeholders, Planning Department staff, and Town decision-makers, to help identify appropriate land use policy recommendations for the Tamal Vista Corridor. Six community-wide meetings and approximately 10 “stakeholder” meetings with individuals, groups of Corte Madera residents, Corte Madera organizations, and property-owners were convened for this purpose; and

**WHEREAS**, on June 4, 2016, the Planning Department released the draft Tamal Vista Corridor Study Report (“Report”) which included a detailed review of existing conditions, analytic tools, public outreach efforts and comments, and land use policy recommendations for the Tamal Vista Corridor, including a recommendation to permit a maximum housing density of 15.1 units/acre; and

**WHEREAS**, the Town Council, at its July 19, 2016 public meeting to review the recommendations in the Report, directed staff to proceed with the development of draft zoning ordinance amendments for review and consideration by the Planning Commission based on the policy recommendations included in the Report and comments received by the Town Council and Planning Commission; and

**WHEREAS**, on October 4, 2016 and October 18, 2016, the Town Council of the Town of Corte Madera conducted a public hearing, introduced, and adopted, new mixed-use zoning regulations (Ordinance No. 958) for the Tamal Vista Corridor, including regulations limiting residential density to 15.1 units/acre and 20.0 units/acre for senior housing, consistent with the lower end of the residential density range for the Mixed-Use Commercial land use designation in the General Plan, and limiting the floor area ratio (“FAR”) for development including residential uses to .40; and

**WHEREAS**, the Town prepared a Negative Declaration for the zoning ordinance amendments described above and on October 4, 2016, the Town Council of the Town of Corte Madera adopted Resolution No. 40/2016 finding that the adoption of the new mixed-use regulations did not have a significant effect on the environment pursuant to CEQA Guidelines Article 6 and 15074; and

**WHEREAS**, during its deliberations, the Town Council requested that Staff reconcile the differences between the housing densities included in the General Plan Mixed-Use Commercial land use designation with that adopted for the MX-1 zoning district as needed; and

**WHEREAS**, on December 5, 2017, the Town Council of the Town of Corte Madera conducted a public hearing and adopted Resolution No. 55/2017, amending the land use diagram of the Town's General Plan, changing the land use designation for the Town's Gravel Lot (APN: 024-032-019) from Wetlands and Marshlands to Mixed-Use Region Serving Commercial; and

**WHEREAS**, the Town prepared an EIR for the amendment to the Gravel Lot's land use designation described above and other related actions, and on December 5, 2017, the Town Council of the Town of Corte Madera conducted a public hearing and adopted Resolution No. 54/2017 certifying the EIR and making findings, pursuant to CEQA Guidelines Sections 15090 and 15091; and

**WHEREAS**, during its deliberations, the Town Council requested Staff proceed with follow-up actions to explore changing the land use designation of the Gravel Lot to another designation that would not connote the availability of the Gravel Lot for housing purposes; and

**WHEREAS**, on December 28, 2017, a Corte Madera Planning Commission public hearing notice for proposed General Plan amendments was sent by mail to all property owners with property designated or within 300 feet of property designated Mixed-Use Commercial on the Town's Land Use Diagram and within 300 feet of the Town's Gravel Lot (APN: 024-032-019); was posted in three public places and on the Town's website; and published in the Marin Independent Journal on December 30, 2017 in compliance with California Government Code Section 65353; and

**WHEREAS**, on January 9, 2018, the Corte Madera Planning Commission held a public hearing on the proposed General Plan amendments and approved, by a vote of 5-0, a motion recommending that the Town Council approve proposed General Plan amendments affecting the Mixed-Use Commercial land use designated areas in Town and the Gravel Lot, and making necessary text changes consistent with the proposed amendments; and

**WHEREAS**, on January 26, 2018, a Corte Madera Town Council public hearing notice for proposed General Plan amendments was sent by mail to all property owners with property designated or within 300 feet of property designated Mixed-Use Commercial on the Town's Land Use Diagram and within 300 feet of the Town's Gravel Lot (APN: 024-032-019); was posted in three public places and on the Town's website as a News Flash item; and published in the Marin Independent Journal in compliance with California Government Code Section 65355; and

**WHEREAS**, on February 6, 2018, the Corte Madera Town Council held a public hearing on the proposed General Plan amendments, received public comment, and considered all oral and written public testimony submitted to the Town, prior to taking its action.

**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 Planning Commission 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 Housing Element update adopted by the Town Council in 2015, including the adopted environmental determination (4) the Tamal Vista Corridor Study Report, (5) all staff reports, Town files, meeting minutes, and records and other documents prepared for and/or submitted to the Town Council relating to the Tamal Vista Corridor Study Report and Zoning Ordinance amendments, including the Initial Study/Negative Declaration prepared to evaluate the environmental effects, (6) all staff reports, Town files, meeting minutes, and records and other documents prepared for and/or submitted to the Town Council relating to the Village Expansion/RH Gallery project, including the EIR prepared to evaluate the environmental effects, (7) the recommendation of the Planning Commission, (8) all documentary and oral evidence received at public hearings or submitted to the Town relating to the General Plan Housing Density Amendments application, and (8) all matters of common knowledge to the Planning Commission 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)

The Town Council of the Town of Corte Madera finds that the project before the Planning Commission is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment. In addition, the proposed General Plan Amendment is consistent with the 2009 Corte Madera General Plan and therefore within the scope of the Program EIR prepared for the 2009 General Plan, certified by the Town Council on April 21, 2009. Further, on October 4, 2016, the Town Council adopted Resolution No. 40/2016, approving the Negative Declaration prepared for the Zoning Ordinance Amendment creating the MX-1 zoning district regulations applicable in the Tamal Vista Corridor area and the potential environmental impacts of the proposed change to the land use designation of the Gravel Lot was considered within the Project EIR for the Village Expansion Project, certified by the Town Council on December 5, 2017, and therefore no subsequent EIR is required pursuant to CEQA Guidelines Section

15162 and 15168.

#### 4. General Plan Consistency

The Town Council of the Town of Corte Madera does hereby find that the proposed General Plan amendment to the Land Use Element as described in Exhibit A and B attached hereto, is in the best interest of the Town because: 1) it creates consistency in the Tamal Vista Corridor area between the MX-1 zoning district regulations, which were adopted in 2016 to set new standards for development, and the policies in the General plan related to housing density and FAR, thereby avoiding potential confusion and unintended consequences; 2) it applies a consistent General Plan housing density and FAR policy to all properties located within the same Mixed-Use Commercial land use designation, utilizing past analysis, public input, and thoroughly considered conclusions from the Tamal Vista Corridor Study and MX-1 zoning ordinance processes as a basis for doing so; and 3) it removes any potential misguided attempts to consider the Gravel Lot a resource site for housing despite legal agreements that prohibit such use. Further, these amendments. Further, these General Plan amendments provide needed clarity regarding the appropriate size and scale of housing development in areas designated Mixed-Use Commercial on the Town's Land Use Diagram.

The Town Council further finds that the General Plan amendments specifying maximum housing densities in the Mixed Use Commercial areas at 15.1 units/acre and 20.0 units/acre for senior housing are fully consistent with the housing density policies set forth in the 2009 General Plan (15.1 – 25.0 units/acre) given they are squarely within the approximate housing density range prescribed, and that therefore, the amendments do not reduce residential densities. Nonetheless, in recognition that the proposed General Plan amendments may be interpreted by others as reducing housing densities in the Mixed-Use Commercial areas, the Town Council finds that the proposed amendments would not prevent the Town from achieving its goals for very low, low, and moderate-income housing as expressed in the Town's Housing Element and therefore the proposed amendments would not be inconsistent with State Law and the Town's own General Plan policies, including Policy H-2.8, Implementation Program H-2.8.a, Policy LU-2.1, and Implementation Program LU-2.1.a, related to Town actions that reduce housing density.

The Housing Element, adopted by the Town Council on May 19, 2015 and certified by the California Department of Housing and Community Development (HCD) on May 27, 2015, identifies several sites intended to be utilized to meet the Town's Regional Housing Needs Allocation (RHNA) for very low, low and moderate-income housing for the 2014-2022 time period. None of those sites are located within the Mixed-Use Commercial land use designation that is the subject of the proposed General Plan amendments that are the subject of this resolution.

**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 "Exhibits A and B."

\* \* \* \* \*

**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 6th day of February, 2018, by the following vote, to wit:

AYES: Councilmembers: Andrews, Bailey, Condon, Furst, Ravasio

NOES: Councilmembers: - NONE -

ABSENT: Councilmembers: - NONE -

  
\_\_\_\_\_  
Carla Condon, Mayor

ATTEST:

  
\_\_\_\_\_  
Rebecca Vaughn, Town Clerk

## EXHIBIT A

### GENERAL PLAN TEXT AMENDMENT

The following General Plan Amendments are proposed as shown in ~~strikethrough~~ and underline below:

#### PG. 2-19

##### *Region-Serving Commercial*

This designation is intended for the Gravel Lot and Town Center shopping center which provides retail uses attracting customers from a wide geographic area as well as local-serving retail uses. Offices, parking, and personal services are included.

*Minimum Lot Size: 10,000 square feet*

*Floor Area Ratio: Up to 0.34*

*Applicable Zoning districts: C-2 (Regional Shopping District); PD (Planned Development Overlay District)*

#### PG. 2-21

##### Mixed-Use Commercial

This designation is intended to support infill activities, and site and building redevelopment of existing neighborhood commercial centers and along commercial corridors. Allowable uses include office, light industrial (non-manufacturing), and commercial services, as well as new housing developments. The designation is intended to encourage a variety of community activities and services to co-exist in close proximity to one-another (such as jobs, housing and services), thereby reducing the need for extensive automobile travel. Reduced parking standards may be allowed when the site is located within .25 mile of a transit stop.

*Minimum Lot Size: 20,000 square feet*

*Floor Area Ratio: Up to .34 for nonresidential uses; Up to .40 for mixed-use development with residential uses. The non-residential FAR may be increased if allowed pursuant to applicable zoning district regulations.*

*Approximate Development Density: From Maximum of 15.1 to 25.0 dwelling units per gross acre and maximum of 20.0 dwelling units per gross acre for senior*

*housing. Maximum densities may be increased, and up to 31.0 dwelling units per gross acre if meeting State requirements for density bonus.*

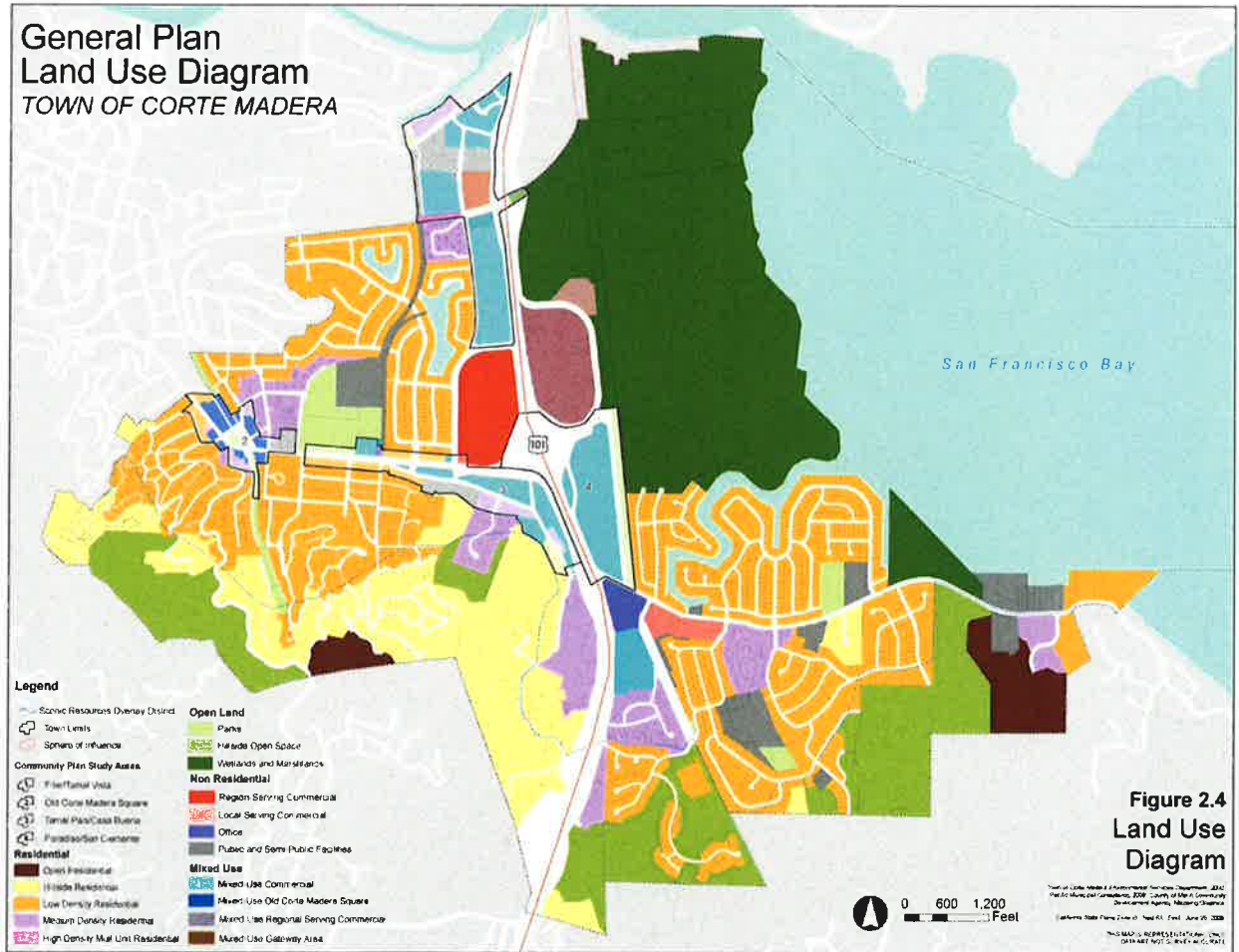
*Approximate Population Density: From 33 to 70 persons per gross acre*

*Applicable Zoning Districts: O (Professional and Administrative Office District); C-1 (Local Shopping District); C-3 (Highway Commercial); C-4 (Commercial Service District); MX-1 (Mixed Use - Tamal Vista Corridor); M (Light Industrial District); AHMU (Affordable Housing Mixed-Use District); PD (Planned Development Overlay District); BRNH (Baylands Risk Zone and Natural Habitat Overlay District); also, the Town will amend the Zoning Code to include MRX (Mixed Use District),*

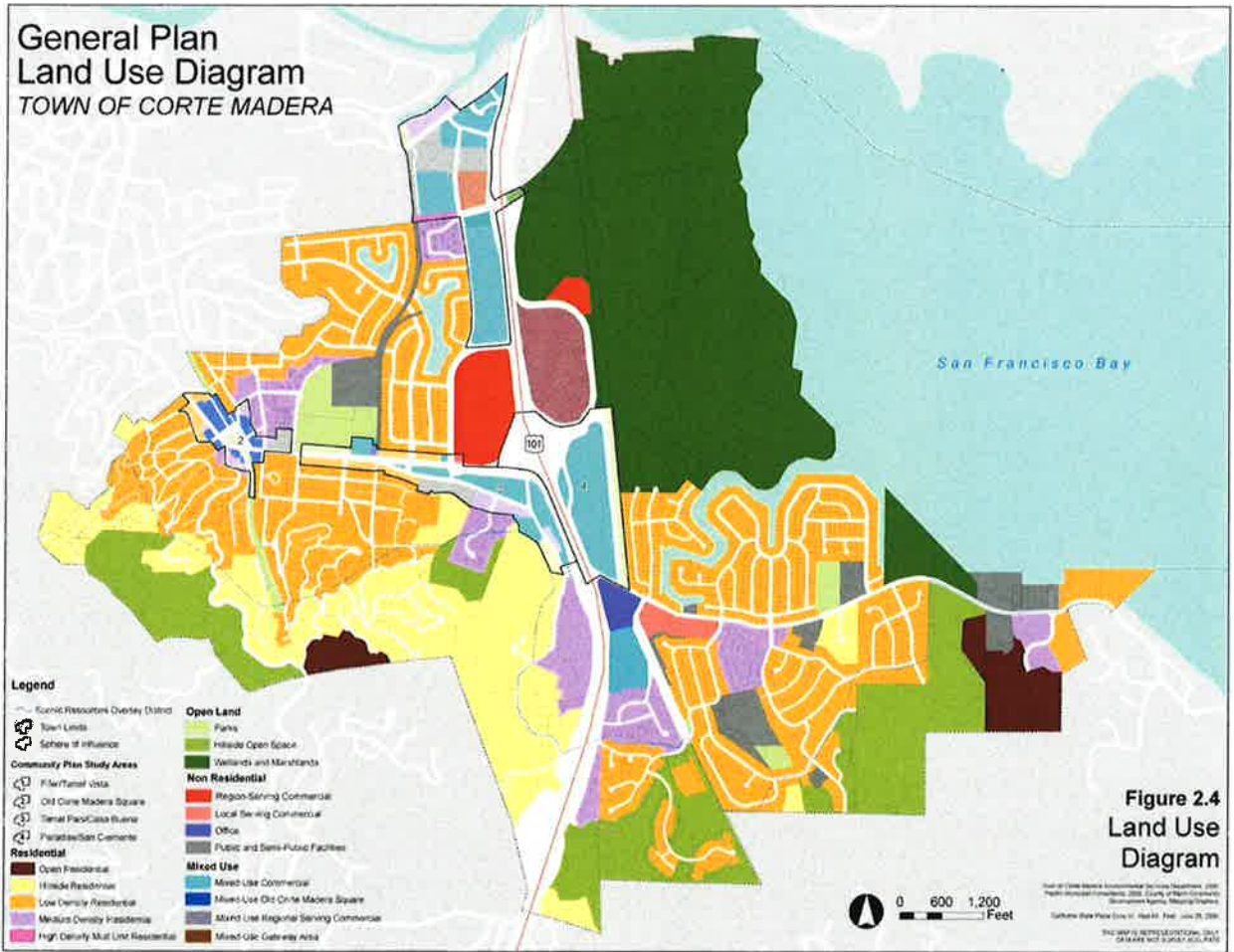


**EXHIBIT B**

**GENERAL PLAN LAND USE DIAGRAM AMENDMENT**



**EXISTING LAND USE DIAGRAM**



**PROPOSED LAND USE DIAGRAM**