

## RESOLUTION NO. 11/2014

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA ADOPTING A NEGATIVE DECLARATION TO AMEND THE GENERAL PLAN AND ZONING ORDINANCE DESIGNATIONS FROM COMMERCIAL TO RESIDENTIAL AT 103 CORTE MADERA AVENUE

---

**WHEREAS**, on December 30, 2013, Environmental Assessment Application No. 13-004 was submitted for General Plan and Zoning Ordinance Amendments that proposed to change the land use designation in the General Plan from Mixed Use Old Corte Madera Square to Medium Density Residential and change the zoning from C-1 Local Shopping District to R-2 Low-Density Multiple-Dwelling District for the property at 103 Corte Madera Avenue; and

**WHEREAS**, on January 17, 2014, Notice of Intent to Adopt a Negative Declaration and Notice of the February 11, 2014 Planning Commission hearing for the requested amendments were posted at the County Clerk's Office as required by CEQA; and

**WHEREAS**, on January 19, 2014, Notice of Intent to Adopt a Negative Declaration and Notice of the February 11, 2014 Planning Commission hearing for the requested amendments were noticed in the Marin Independent Journal; and

**WHEREAS**, on January 21, 2014, Notice of Intent to Adopt a Negative Declaration and Notice of the February 11, 2014 Planning Commission hearing for the requested amendments were mailed to property owners and commercial tenants within 300 feet of the subject property; and

**WHEREAS**, the Town Clerk is the custodian of the record of proceedings upon which the decision is based and those documents are located at Corte Madera Town Hall, at 300 Tamalpais Drive, Corte Madera; and

**WHEREAS**, on February 11, 2014, the Planning Commission held a public hearing on the item and heard testimony from the applicant and interested parties and approved Resolution No. 14-004 recommending that the Town Council adopt the Negative Declaration for the General Plan and Zoning Ordinance amendments; and

**WHEREAS**, on February 20, 2014, Notice of Town Council hearing to review the proposed General Plan and Zoning Ordinance amendments and Initial Study and Negative Declaration were mailed to property owners and residential and commercial tenants within 300 feet of the subject property and posted in three public places (Town Hall, Post Office, Fire Station #13); and

**WHEREAS**, on March 4, 2014, the Town Council held a public hearing on the item and heard testimony from the applicant and interested parties; and

**WHEREAS**, The Record of Proceedings ("Record") upon which the Town Council bases its decision on the proposed amendments to the General Plan and the Zoning Ordinance includes, but is not limited to: (1) the Negative Declaration, (2) the staff reports, Town files and records and other documents, prepared for and/or submitted to the Planning Commission, and Town Council relating to the Negative Declaration, the proposed amendment to the General Plan, and the

proposed amendment to the Zoning Ordinance (3) the evidence, facts, findings and other determinations set forth in this resolution, (4) the Town of Corte Madera 2009 General Plan and its related EIR and the Town of Corte Madera Municipal Code, (5) all studies, data and correspondence submitted to the Town in connection with the proposed amendments to the General Plan and the Zoning Ordinance, (6) all documentary and oral evidence received at public hearings or submitted to the Town during the comment period relating to the Negative Declaration, (7) all other matters of common knowledge to the Town Council including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town of Corte Madera and its surrounding areas; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Corte Madera does hereby make the following findings:

**NEGATIVE DECLARATION FINDINGS**

1. The General Plan Amendment and the Zoning Ordinance Amendment were reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and find that the amendments will not have a significant effect on the environment.

**Facts in Support:** The Initial Study and Negative Declaration, dated January 17, 2014, reviewed and prepared by town staff, finds that the Initial Study and Negative Declaration adequately assesses the environmental impacts of the proposal to change the General Plan Land Use Designation from Mixed Use Old Corte Madera Square to Medium Density Residential and change the Zoning Designation from C-1 Local Shopping District to R-2 Low-Density Multiple-Dwelling District for the property at 103 Corte Madera Avenue. There is no substantial evidence in light of the Record that the project (General Plan and Zoning Ordinance Amendments) will have a significant effect on the environment, since the property at 103 Corte Madera Avenue has been designated as a commercial land use in the General Plan and Zoning Ordinance for over 40 years. During that extended window of opportunity, neither market forces or commercial developer have found this property suitable for commercial use. The property at 103 Corte Madera Avenue has always been in residential use, never commercial use and that residential use would now continue as a legal use as a result of these amendments.

2. Approval of this Initial Study and Negative Declaration is based on the Record and the approval reflects the independent judgment of Town of Corte Madera.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Town Council approve the Negative Declaration (Environmental Assessment 13-004) for General Plan Amendment No. 14-001 to amend the land use designation from Mixed Use Old Corte Madera Square to Medium Density Residential and for Zoning Ordinance Amendment No. 13-004 to rezone the property from C-1 Local Shopping District to R-2 Low-Density Multiple-Dwelling District for the property at 103 Corte Madera Avenue in Corte Madera, based upon the findings listed above.

**JUDICIAL REVIEW**

Unless a shorter statute of limitations applies, the time within which judicial review must be sought is governed by Cal. Code of Civ. Procedure, section. 1094.6.

**I HEREBY CERTIFY** that the foregoing Resolution was duly adopted by the Town Council of Corte Madera at the meeting held on the 4<sup>th</sup> day of March 2014, by the following vote, to wit:

AYES: Councilmembers: Bailey, Furst, Ravasio and Lappert

NOES: Councilmembers: None


ABSTAIN: Councilmembers: None

ABSENT: Councilmembers: Condon



Michael Lappert, Mayor

ATTEST:



Lisa Harper, Interim Town Clerk