

RESOLUTION NO. 3684

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA FINDING THAT APPROVAL OF PRELIMINARY PLAN AMENDMENT 11-001, PRECISE PLAN AMENDMENT NO. 11-001 AND DESIGN REVIEW APPLICATION NO. 11-024 ARE WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE 2009 GENERAL PLAN

WHEREAS, on August 8, 2011, applications for Preliminary Plan Amendment, Precise Plan Amendment and Design Review (Preliminary Plan Amendment Application No.11-001, Precise Plan Amendment Application No. 11-001 and Design Review Application No. 11-024 or the "Applications") were submitted for expansion of The Village Shopping Center property located at 1900 Redwood Highway in the Town of Corte Madera to include expansion of the existing Nordstrom store by the addition of 17,431 square feet of gross floor area, expansion of the existing Macy store by the addition 20,000 square feet of gross floor area, and the addition of 150 parking spaces to the shopping center parking lot ("Proposed Project"); and

WHEREAS, on April 21, 2009, the Town Council certified a Program EIR for the 2009 General Plan (General Plan EIR) and adopted a resolution adopting CEQA findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the Updated General Plan; and

WHEREAS, the General Plan EIR included project-level analysis of Alternative 2, the Village Shopping Center Mixed-Use Alternative, which included the expansion of the Village Shopping Center by an additional 185,000 square feet of retail area and an additional 300 new dwelling units as depicted on Figure 6.0-1 of the draft General Plan EIR; and

WHEREAS, the General Plan EIR included project-level analysis of Alternative 3, the Gateway Development Alternative, which involved redevelopment of the WinCup property to include 180 dwelling units and 10,000 square feet of retail space, as depicted on Figure 6.0-3 of the draft General Plan EIR; and

WHEREAS, the General Plan EIR included project-level analysis of Alternative 4, the Village-Gateway Combination Development Alternative, Alternative 4, which involved the development of the proposed Village Mixed Use project from Alternative 2 and the Gateway Mixed-Use project in Alternative 3. The combined Alternative 4 would consist of 185,000 square feet of retail and 300 dwelling units at The Village at Corte Madera (for a total of 832,353 square feet) and along with 10,000 square feet of retail and 180 dwelling units at the Gateway Village. This would result in a total of 195,000 square feet of new retail and 480 new dwelling units. ; and

WHEREAS, the 2009 General Plan contains several policies and programs that specifically contemplate and promote development consistent with Alternatives 2 and 4 and the Proposed Project, including Land Use Element Policy LU-4.3, Land Use Element Implementation Program LU-4.3. a, and designation of The Village Shopping Center property on the General Plan Land

Use Diagram as "Mixed-Use Region-Serving Commercial," all of which were fully analyzed in the General Plan EIR; and

WHEREAS, an Environmental Evaluation was prepared in accordance with CEQA Guidelines Section 15168(c)(4) to determine whether approval of Preliminary Plan Amendment Application No.11-001, Precise Plan Amendment Application No. 11-001 and Design Review Application No. 11-024 is within the scope of the General Plan EIR (Environmental Evaluation); and

WHEREAS, on December 13, 2011 and January 10, 2012 the Corte Madera Planning Commission held a duly noticed public hearing on Preliminary Plan Amendment Application No.11-001, Precise Plan Amendment Application No. 11-001 and Design Review Application No. 11-024, including the Environmental Evaluation prepared for the Applications, wherein public comments on the item were received and considered; and

WHEREAS, on January 10, 2012 the Planning Commission did adopt Resolution NO. 12-001 finding that approval of Preliminary Plan 11-001, Precise Plan 11-001, and Design Review Application 11-024 are within the scope of the Program EIR for the 2009 General Plan;

WHEREAS, on January 17, 2012 the Town Council held a duly noticed public hearing on Preliminary Plan Amendment No. 11-001 including the Environmental Evaluation prepared for the Preliminary Plan Amendment Application No.11-001, Precise Plan Amendment Application No. 11-001 and Design Review Application No. 11-024, wherein public comments on the item were received and considered;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby find and resolve as follows:

Section 1. Record

The Record of Proceedings upon which the Town Council bases its decision regarding the Proposed Project includes, but is not limited to: (1) the Applications, (2) the Environmental Evaluation, including: Kleinfelder, 2011. Geotechnical and Seismic Evaluation – Phase 1 Proposed Upgrades to the Nordstrom Store, Corte Madera, CA. June; biological and hydrological studies completed by Jane Steven; noise and air quality studies completed by Illingworth & Rodkin; visual simulations completed by Environmental Vision, and a traffic analysis completed by Fehr & Peers, (3) the General Plan for the Town of Corte Madera (April 2009), (4) the Program EIR for the 2009 General Plan, certified by the Town Council on April 21, 2009, and the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the 2009 General Plan, (5) all staff reports, Town files and records and other documents prepared for and/or submitted to the Town Council relating to the Proposed Project and the Environmental Evaluation, (6) all documentary and oral evidence received at public hearings or submitted to the Town relating to the Proposed Project and the Environmental Evaluation, and (7) all matters of common knowledge to the Town Council 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 area.

Section 2. Compliance with the California Environmental Quality Act

As documented in the Record of Proceedings, and specifically the Environmental Evaluation, the findings of which are hereby incorporated by reference as authorized and required by California Public Resources Code Section 21166 and 14 California Code of Regulations Sections 15162 and 15168(c), the Town Council finds that approval of Preliminary Plan Amendment Application No.11-001, Precise Plan Amendment Application No. 11-001 and Design Review Application No. 11-024 is within the scope of the Program EIR for the 2009 General Plan, certified by the Town Council on April 21, 2009. The Town Council finds that the Statement of Overriding Considerations adopted for the 2009 General Plan applies to Preliminary Plan Amendment Application No.11-001, Precise Plan Amendment Application No. 11-001 and Design Review Application No. 11-024 and that the 2009 General Plan Program EIR adequately describes the activity contemplated and the current project for the purposes of CEQA. There have not been any of the following occurrences since certification of the General Plan EIR that would require a subsequent or supplemental environmental document in connection with the Town Council approval of Preliminary Plan Amendment Application No.11-001:

(1) There have not been substantial changes in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) There have not been substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(3) There has not been the appearance of new information which was not known and could not have been known with the exercise of reasonable diligence at the time the General Plan EIR was certified as complete that shows any of the following:

(A) The project will have one or more significant effects not discussed in the General Plan EIR;

(B) Significant effects previously examined will be substantially more severe than shown in the General Plan EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the General Plan EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

* * * * *

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, 2012, by the following vote, to wit:

AYES: Councilmembers: Cock, Condon, Furst, Lappert, Ravasio

NOES: Councilmembers: - None -

ABSENT: Councilmembers: - None -



Robert Ravasio, Mayor

ATTEST:



Christine Green, Town Clerk