

RESOLUTION NO. 22/2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE
MADERA APPROVING AN INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION (MND) AND MITIGATION MONITORING AND REPORTING
PLAN (MMRP) ASSOCIATED WITH THE HOTEL FLOOR AREA BONUS
ZONING ORDINANCE AMENDMENT APPLICATION, AMENDING CHAPTERS
18.12 (COMMERCIAL DISTRICTS) AND 18.13 (MIXED-USE DISTRICTS) OF THE
TOWN OF CORTE MADERA MUNICIPAL CODE.**

SECTION I: FINDINGS

WHEREAS, hotels provide an important community amenity and resource for the Town's residents and businesses; and

WHEREAS, hotels currently provide the Town and local businesses with significant economic benefits. Retaining existing hotels and attracting new hotels is important to the Town's long-term fiscal health; and

WHEREAS, existing the existing floor area ratio (FAR) of .34 does not generally reflect the developed FAR of existing hotel properties in Town, and therefore does not permit the expansion of existing hotel facilities or redevelopment of existing hotels at their existing size; and

WHEREAS, the existing FAR permitted for hotels does not generally reflect the size of new hotels that have been developed or proposed in Marin County in the recent past and therefore is unlikely to attract new hotel development to Town; and

WHEREAS, the 2009 General Plan includes policies and programs relating to commercial infill development and economic development that call for, under certain circumstances, permitting greater density or FAR, or flexible development standards; and

WHEREAS, the Town desires high quality hotel development that meets the Town's objectives for good design and aesthetic appeal, environmental sustainability, community integration, and enhancement to the public realm; and

WHEREAS, on February 20, 2018, a public meeting of the Corte Madera Town Council was held and staff received direction to propose amendments to the Zoning Ordinance that would increase the floor area permitted for hotels provided such hotels met certain standards for quality development; and

WHEREAS, on July 24, 2018, staff presented for discussion a conceptual framework permitting additional floor area ratio (FAR) for hotels/motels to the Corte Madera Planning Commission at its regularly scheduled meeting; and

WHEREAS, at such meeting, staff received direction to explore a more systematic and

objective approach toward the assignment of additional FAR, where possible; and

WHEREAS, at the November 13, 2018 Planning Commission regularly scheduled meeting, staff presented for discussion a revised conceptual framework based on the direction provided by the Planning Commission at its July 24, 2018 public meeting; and

WHEREAS, at such meeting, staff received direction to propose a zoning ordinance amendment for review by the Planning Commission reflecting the conceptual framework presented and comments provided; and

WHEREAS, on March 29, 2019, a notice of public hearing was placed in three public places in accordance with the Corte Madera Municipal Code and mailed to current property owners of existing hotels, and on March 30, 2019, a notice of public hearing was published in the Marin IJ; and

WHEREAS, on April 9, 2019, the Planning Commission held a public hearing on the proposed zoning ordinance amendment, reviewed the staff report, received a staff presentation, and comments from the public; and

WHEREAS, on April 9, 2019, the Planning Commission approved Resolution No. 19-015, recommending to the Corte Madera Town Council approval of the proposed zoning ordinance amendment as drafted in the staff report prepared for the meeting; and

WHEREAS, on August 20, 2019, as a result of public comment, the Corte Madera Town Council provided direction to staff to prepare additional environmental analysis related to the proposed zoning ordinance amendment pursuant to CEQA; and

WHEREAS, the Town contracted with Placeworks to conduct an environmental review of the proposed project; and

WHEREAS, staff conducted additional reviews of the proposed zoning ordinance amendment and made revisions to improve clarity and add substantive changes as described in the staff report for the May 26, 2020 Planning Commission meeting; and

WHEREAS, on April 23, 2020 the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) and Notice of Public Hearing for the project were mailed to all interested parties on file with the Town and placed in three public places in accordance with the Corte Madera Municipal Code; and

WHEREAS, on April 24, 2020, the Notice of Intent to Adopt a MND for the project was filed with the County Clerk and the Draft MND was posted on the Town's website, and a notice of its availability was sent via News Flash to those registered to receive such emails from the Town, and posted on Next Door; and

WHEREAS, on April 24, 2020 the Notice of Completion and Draft Initial Study/MND for the project was filed with the State Clearinghouse beginning a 30-day public review period; and

WHEREAS, on April 25, 2020, the Notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Public Hearing for the project was published in the Marin Independent Journal; and

WHEREAS, on May 14, 2020, a Planning Commission public hearing notice was mailed to all those interested parties on file with the Planning Department, and placed in three public places in accordance with the Corte Madera Municipal Code; and

WHEREAS, on May 15, 2020, a Planning Commission public hearing notice was posted on the Town's website, and a notice of its availability was sent via News Flash to those registered to receive such emails from the Town, and posted on Next Door; and

WHEREAS, on May 26, 2020, the Corte Madera Planning Commission held a public hearing via videoconference pursuant to California Governor Executive Order N-29-20 (March 17, 2020) on the Initial Study/Mitigated Negative Declaration and the proposed zoning ordinance amendment, reviewed the staff report, received a staff presentation, and comments from the public; and

WHEREAS, by a vote of 5-0, the Corte Madera Planning Commission unanimously approved Resolution Nos. 20-005 and 20-006, recommending that the Corte Madera Town Council approve the Initial Study/MND and adopt the proposed zoning ordinance amendment; and

WHEREAS, on May 28, 2020, a notice of Town Council public hearing was mailed to all those interested parties on file with the Planning Department, and placed in three public places in accordance with the Corte Madera Municipal Code; and

WHEREAS, on May 29, 2020, a notice of Town Council public hearing notice was posted on the Town's website, and a notice of its availability was sent via News Flash to those registered to receive such emails from the Town, and posted on Next Door; and

WHEREAS, on May 30, 2020, a notice of Public Hearing for the project was published in the Marin Independent Journal; and

WHEREAS, on June 9, 2020, the Corte Madera Town Council held a public hearing via videoconference pursuant to California Governor Executive Order N-29-20 (March 17, 2020) on the Initial Study/Mitigated Negative Declaration and the proposed zoning ordinance amendment, reviewed the staff report, received a staff presentation and public comments; and

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby **approve** an Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Hotel Floor Area Bonus Zoning Ordinance

Amendment based upon the findings listed below:

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 Initial Study/Mitigated Negative Declaration for the Hotel Floor Area Bonus Ordinance, including the Mitigation Monitoring and Reporting Program, (4) Exhibit A and B of this Resolution, (5) all staff reports, Town files and records and other documents prepared for and/or submitted to the Commission and Town Council relating to the Hotel Floor Area Bonus Zoning Ordinance Amendment, (6) all documentary and oral evidence received at public hearings and meetings or submitted to the Town relating to the project, and (7) all matters of common knowledge to the 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)

Pursuant to CEQA Guidelines Section 15074, prior to adopting the Initial Study/Mitigated Negative Declaration prepared for this project (as documented in Exhibit A to this Resolution), the Town Council must consider the proposed Mitigated Negative Declaration and make the following findings:

1. The Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Review Act.
2. The Town Council has considered the proposed Mitigated Negative Declaration, together with all public comments received during the public review process, and based on the whole record, there is not substantial evidence that the project will have a significant effect on the environment.
3. The Mitigated Negative Declaration reflects the lead agency’s independent judgement and analysis.
4. Pursuant to §21081.6(a)(2) of the Public Resources Code, the Corte Madera Planning Department, located at 300 Tamalpais Drive, Corte Madera, CA, is the custodian and location

of the documents and other materials that constitute the record of proceedings upon which the Town Council's decision memorialized in this Resolution is based.

The Corte Madera Town Council has reviewed the Mitigated Negative Declaration, prepared by Placeworks, a professional planning consulting firm under contract with the Town of Corte Madera, and based on its independent judgement and analysis determines that the Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Review Act (CEQA) and that based on the whole record, including public comments received during the public review process, there is not substantial evidence that the project will have a significant effect on the environment. In addition, the Town Council determines that the record does not contain substantial evidence sufficient to support a fair argument that the project will have a significant impact even after mitigation. Acceptable mitigation measures have been identified in the areas of Air Quality, Biology, Greenhouse Gas Emissions, and Noise, which will require projects developed pursuant to the proposed ordinance to take specific measures to mitigate potential environmental impacts, and which have been required as part of the Mitigation Monitoring and Reporting Program (MMRP) to reduce the level of all potentially significant impacts to the level of insignificance. The MMRP included in Exhibit B to the resolution was prepared to comply with the requirements of State law (Public Resources Code Section 21081.6) to ensure compliance during implementation of the project, including specifying conditions that shall be imposed on future projects undertaken pursuant to the Hotel Floor Area Bonus Zoning Ordinance Amendment.

In particular, the Town Council has reviewed the Mandatory Findings of Significance (Chapter 4.18 of the Initial Study/Negative Declaration) and concurs with the findings that the proposed project (Hotel Floor Area Bonus Zoning Ordinance Amendment) will have a less than significant impact on the environment for the reasons specified.

SECTION III: VOTE

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a special meeting held on the 9th day of June 2020, by the following vote, to wit:

AYES: Councilmembers: Beckman, Casissa, Kunhardt, Lee, Ravasio
NOES: Councilmembers: - None -
ABSENT: Councilmembers: - None -


Eli Beckman, Mayor

ATTEST:


Rebecca Vaughn, Town Clerk

EXHIBIT A
(see Attachment 6 to the June 9, 2020 staff report)

EXHIBIT B
(see Attachment 7 to the June 9, 2020 staff report)