

RESOLUTION NO.03/2021

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
APPROVING AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE TOWN
HALL REMODEL AND ADDITION PROJECT AT 300 TAMALPAIS DRIVE
(APN'S 24-136-13, 14 & 15)**

WHEREAS, On April 21, 2009, the Town Council conducted a public hearing on the Town of Corte Madera 2009 General Plan (the "2009 General Plan"), including the Revised Final Environmental Impact Report (FEIR) and its accompanying Mitigation Monitoring and Reporting Program, and considered all oral and written testimony submitted to the Town regarding the same prior to taking its action. By Resolution No. 3595, the Town Council certified the FEIR for the General Plan, and considered the FEIR and identified mitigation measures prior to taking action to adopt the 2009 General Plan, including its related goals, policies and programs, by separate Resolution No. 3594; and

WHEREAS, on December 18, 2018 the Town Council authorized the Public Works Director to approve the proposed Town Hall Complex Addition design services contract with Kappe Architects which include funds for a CEQA analysis; and

WHEREAS, on June 4, 2019 the Town Council directed staff to pursue concepts for a three level Town Hall facility that addresses community and Council input including a refined and expanded Council chambers, a larger public permit counter, and adding additional parking; and

WHEREAS, on November 5, 2019 the Town Council directed staff to proceed with advanced design including preparation of architectural and engineering plans and specifications for the proposed Town Hall Complex Addition based on preliminary project programming and confirm a budget, funding sources and financing alternatives; and

WHEREAS, the Project Design Team facilitate three Working Group Meetings on February 28th, March 14th, and March 29th of 2019 to review the master plan and discuss site selection alternatives; and

WHEREAS, the Project Design Team facilitate three Community Workshops on May 11th and May 13, 2019 and January 30, 2020 to received community input through the use of presentations, group discussions and questionnaires; and

WHEREAS, on December 9, 2019 the Town directed the CEQA consultant, Circlepoint to conduct an environmental review of the proposed project; and

WHEREAS, on December 12, 2019 the Project Design Team hosted a special Neighborhood Discussion focusing on the immediate neighborhood of Town Hall where neighbors were given an overview of the steps that the Town has taken to date on the project, provide a tour of the existing Town Hall and solicited input from the neighborhood; and

WHEREAS, on January 30, 2020, the project team hosted a well-attended community workshop at the community center, which allowed participants to visit various stations highlighting different aspects of the project. The interactive workshop stations focused on program and project costs, project size, height and massing, architectural style and character, environmental sustainability, project budget and process and public participation. Participants were given the opportunity to select various features that they would like to see incorporated into the project including the number stories, window and ceiling styles, features of the public plaza, sustainable design features, etc. ;and

WHEREAS, on April 28, 2020, the Planning Commission held a study session and provided the Planning Commission and interested members of the community with an opportunity to give preliminary feedback on the latest iteration of the project plan and design. Staff and the project architect presented a preliminary project design informed by outreach efforts and community input received over the last several months; and

WHEREAS, on June 23, 2020, the Planning Commission held another study session which focused on responses to the comments received by members of the public and the Planning Commission at the April 28th meeting. Modifications to the preliminary project design included changes to roof forms, building height, window placement and exterior materials, among others; and

WHEREAS, on September 1, 2020 and September 15, 2020 the Town Council of Corte Madera review and approved Ordinance No. 999 establishing a new planning review process for Town Projects; and

WHEREAS, an Initial Study a Mitigated Negative Declaration (IS/MND) was prepared for the project. The Initial Study and Mitigated Negative Declaration identifies and analyzes potential environmental impacts and the mitigation measures, which if adopted, will reduce any potential impacts to less than significant; and

WHEREAS, on September 16, 2020 the Notice of Completion and Draft Initial Study/Environmental Checklist for the project was filed with the State Clearinghouse (SCH# 20200903010) beginning a 30-day public review period; and

WHEREAS, on September 16, 2020 the Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration for the project was filed with the Marin County Clerk; and

WHEREAS, on September 16, 2020 the Notice of Availability of the Draft Initial Study/Environmental Checklist and Notice of Public Hearing for the project were mailed to residents within 500 feet of the subject property; and

WHEREAS, on February 19, 2020 the Town of Corte Madera sent two letters (one addressed to Gene Buvelot, Tribal Chairperson and the other addressed to Greg Sarris, Tribal Chairperson) of the Federated Indians of Graton Rancheria pursuant to the Native American Heritage Commission following a Sacred Lands File Search which described the project and provided an opportunity for the tribe to participate in CEQA process and;

WHEREAS, following the distribution of the letters on February 19, 2020 and the posting of the Notice of Availability and the Notice of Intent to Adopt a Mitigated Negative Declaration the Town did not receive any written correspondence from the tribe requesting consultation; and

WHEREAS, on October 16, 2020, the Town sent a notice to all properties within 500 feet of the project site announcing the October 27, 2020 Planning Commission meeting to review and possibly approve the Town Project Report; and

WHEREAS, on October 27, 2020, the Corte Madera Planning Commission held a public meeting on the Town Hall Project, heard testimony from the Corte Madera Community as well as the general public, and at the close of the public meeting voted to adopt Resolution No. 20-011 forwarding the Town Project Report regarding the Town Hall Remodel and Addition to the Town Council and adopted Resolution No. 20-012 recommending to the Town Council that it approve the Mitigated Negative Declaration; and

WHEREAS, on January 19, 2021, the Town Council requested that staff continue its work on developing the Town Hall Project including addition information regarding projects costs and research and present a report examining possible options for the Town to purchase an office building complex for a new town hall; and

WHEREAS, on January 22, 2021, the Town sent or posted a notice - 1) to all properties within 500 feet of the project, 2) to everyone on the interested parties list, 3) on the Town's website, 4) in the Town Newsletter on 1/22/21 and 1/29/2021, 5) on the Community Center Reader Board (1/28/21 to 2/2/21), 6) in 3 public locations (1/21/21), 7) on Nextdoor announcing the February 2, 2021 Town Council Public Hearing to review the Town Hall Remodel and Addition Project, the Town Project Report; and IS/MND; and

WHEREAS, on January 27, 2021, California Story Poles installed story poles depicting the roof lines of the proposed town hall addition to allow the Corte Madera Community to see the outline of the proposed project and following installation a letter certifying the accuracy of the height and the location of the story poles was provide to the Town; and

WHEREAS, on February 2, 2021, the Corte Madera Town Council held a public hearing on the Town Hall Remodel and Addition Project, the Town Project Report, and IS/MND, heard testimony from the public, and at the close of the public hearing voted to adopt this Resolution No. 03/2021 approving the Initial Study and Mitigated Negative Declaration for the Town Hall Remodel and Addition Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby certify an the Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Town Hall Remodel and Addition Project submitted by the Town of Corte Madera, 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 Town Council 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) all staff reports, Town files and records and other documents prepared for and/or submitted to the Council relating to the Town Hall Addition and Remodel Project, (4) all documentary and oral evidence received at public hearings or submitted to the Town relating to the project, and (6) all matters of common knowledge to the 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 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 the Town Council approving the Mitigated Negative Declaration prepared for the Project, it must consider the proposed Initial Study and Mitigated Negative Declaration and make the following findings:

1. The Mitigated Negative Declaration adequately assesses the environmental impacts of the proposed project.

Acceptable mitigation measures have been identified, and have been incorporated into the proposed project and shall be required as conditions of approval to reduce the level of all potentially significant impacts to the level of insignificance.

The Initial Study (IS), Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program (MMRP) (located on the Town’s Website under Town Council Meetings) outline the potential environmental effects of the project in accordance with CEQA. These documents demonstrate that although potential significant impacts were identified in the Initial Study, with the implementation of the mitigation measures in the MMRP and the conditions of approval listed in the staff report, any potential project impacts will be reduced to less than significant.

Based on the facts and analysis of the Town Hall Addition and Remodel Project, included in the Town Project Report to the Town Council, the Council finds and approves the IS/MND, with mitigations outlined in the Mitigation Monitoring and Reporting Plan (MMRP) incorporated, and determines that the project will not result in a significant impact on the environment pursuant to CEQA.

The Town Council finds that the project will not have a significant effect on the environment with mitigations incorporated for several reasons. As evaluated in this IS/MND, the project would not substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal

community; reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory.

Environmental protection actions are in place (see Table 1 of the MND) to reduce impacts related to Aesthetics, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Public Services and Biological Resources.

Specific mitigation measures are incorporated into the MMRP to reduce impacts related to Aesthetics, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Public Services and Biological Resources:

Mitigation Measure AES-1: In compliance with General Plan Policy CD-1.5, the project's exterior lighting shall be designed to comply with "Dark Sky" requirements including the use of energy-efficient lighting and shielded fixtures. Only fixtures with International Dark-Sky Association Seal of Approval shall be used. Direct light would not be allowed to trespass onto neighboring properties.

Mitigation Measure BIO-1: If construction activities commence during the nesting/breeding season of native bird species potentially nesting near the site (typically February through August 31 in the project region), a pre-construction survey for nesting birds shall be conducted by a qualified biologist within two weeks prior to the commencement of construction activities. If active nests are found in the areas that could be directly affected by construction and would be subject to prolonged construction-related noise, a no-disturbance buffer zone shall be create around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The avoidance buffer size shall be 300 feet for raptor species and 150 feet for all other bird species. The size of the buffer zones and types of construction activities restricted within buffers would be determined by a qualified biologist by taking into account factors such as:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual species and behaviors of the nesting birds.
- Mitigation Measure BIO-2: If construction activities commence during the roosting/breeding season of native bat species potentially roosting near the site (typically October 15 through August 15 in the project region), a Bat Habitat Assessment survey for roosting bats shall be conducted by a qualified biologist and submitted to the Town prior to the commencement of construction activities. If the project site is found to support roosting bats, then the Bat Habitat Assessment shall identify suitable performance measures for avoiding impacts to roosts, which may include, but would not be limited to:
 - Consultation with CDFW to determine appropriate measures for protecting bats with young if present, and for implementing measures to exclude and/or evict non-breeding bat colonies during project construction

- Phased removal of trees

Mitigation Measure CUL-1: If potential archaeological resources are uncovered, the Town shall halt work and workers shall avoid altering the materials and their context. Project personnel shall not collect cultural materials. A qualified professional archaeologist shall evaluate the find and provide appropriate recommendations. If the archaeologist determines that the find potentially qualifies as a historic resource or unique archaeological resource for purposes of CEQA (per CEQA Guidelines Section 15064.5), all work must remain stopped in the immediate vicinity to allow the archaeologist to evaluate any materials and recommend appropriate treatment. A Native American monitor shall be present for the investigation, if the local Native American tribe requests. In considering any suggested measures proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the Town shall determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures as recommended by the archaeologist (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project while mitigation for historic resources or unique archaeological resources is being carried out

Mitigation Measure CUL-2: If human remains, associated grave goods, or items of cultural patrimony are encountered during construction, the Town shall halt work in the vicinity of the find and notify the County Coroner immediately. The Town shall follow the procedures in Public Resources Code Section 5097.9 and Health and Safety Code Section 7050.5. If the human remains are determined to be of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of the determination. The Native American Heritage Commission shall then notify the Most Likely Descendant (MLD), who has 48 hours to make recommendations to the landowner for the disposition of the remains. A qualified archaeologist, the Town, and the MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects. The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects.

Mitigation Measure GEO-1: A discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to mitigate the impact.

Mitigation Measure HAZ-1: The project proponent shall create a Traffic Control Plan to outline circulation routes and schedules for construction-period traffic. The Traffic Control Plan will include measures to avoid encroachment and disruption at emergency vehicle ingress/egress at the adjacent Fire Station and will be reviewed by the Fire

Department staff prior to the onset of construction.

Mitigation Measure NOI-1: The generator shall be installed with implementation of one or more of the following options to reduce noise during maintenance and testing:

- Install a sound attenuation enclosure around the generator. Depending on the design and materials used, sound attenuation enclosures can reduce the generator noise from 10 dBA to 40 dBA. The sound attenuation enclosure shall provide at minimum a 10 dBA noise reduction; or
- Include an exhaust silencer on the emergency generator. Depending on the design, silencers can reduce generator noise from 10 dBA to 40 dBA. The silencer shall provide at minimum a 10 dBA noise reduction; or
- The generator shall be positioned on the project site at least 105 feet from nearby noise sensitive receivers.

2. Pursuant to §21081.6 of the Public Resources Code, a Mitigating Monitoring and Reporting Program (MMRP) has been prepared, incorporated into the conditions of approval for this project and the Town has agreed to the mitigation measures.

The September 14, 2020 MMRP was prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of a MMRP when mitigation measures are required to avoid significant impacts. The monitoring program is intended to ensure compliance during implementation of the project and has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND). This MMRP identifies mitigation measures recommended in the IS/MND to avoid or reduce identified impacts, and specifies the agencies/parties responsible for implementation and monitoring of the measure.

For the Town Hall Remodel and Addition Project the mitigation measures will be overseen by the Town of Corte Madera Planning Department and/or Public Works Engineering Department. The Town has agreed to the mitigation measures and signed the MMRP.

3. The Mitigated Negative Declaration has not been substantially revised thus does not require recirculation.

The project has not substantially changed since the Town published the notice of circulation, nor has the review period revealed (a) any new significant impacts; or (b) that new mitigation measures are required to mitigate the previously identified significant impacts because the mitigation measures and project revised described in the Mitigated Negative Declaration will not reduce the subject impact to a level of insignificance.

4. Certification of this Mitigated Negative Declaration reflects the independent judgment of the approval authority of the Town of Corte Madera.

The MND was prepared by a team of professional environmental consultants lead by Circlepoint under contract with the Town of Corte Madera. The consultants performed their tasks under the direction of the Town. The MND was reviewed by staff and revised by the consultant team. A Notice of Completion was filed with the State Clearinghouse

which began a 30-day public review period. A Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration for the Town Hall Remodel and Addition Project was also filed with the Marin County Clerk. The general public was notified through the Town's website, the posting of notices at Town Hall, the post office and both Town fire stations. Notices were also sent to all residences within 500 feet of the project site.


5. 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 recommendation memorialized in this Resolution is based.

All documents related to this project, except those under the authority of the Town's legal counsel, are available for public review. The documents are located at 300 Tamalpais Drive, Corte Madera, CA. Any questions regarding the documents should be directed to the Corte Madera Planning Department – 415-927-5064 or plcounter@tcmmail.org

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town of Corte Madera Town Council approves the September 14, 2020, Initial Study and Mitigated Negative Declaration, and the associated Mitigation Monitoring and Reporting Plan, for the Town Hall Remodel and Addition Project at 300 Tamalpais Dr. (APN'S 24-136-13, 14 & 15) State Clearing House #2020090301.

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 2nd day of February, 2021 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

