

RESOLUTION NO. 26/2022

**A RESOLUTION OF THE CORTE MADERA TOWN COUNCIL APPROVING, A LOT-LINE ADJUSTMENT, GENERAL PLAN MAP AMENDMENT, AND CEQA EXEMPTION, RELATED TO THE ENCROACHMENT AREA ADJACENT TO 800 CORTE MADERA AVENUE, CORTE MADERA, CA.
(APN'S: 025-231-18 AND 033-200-01)**

WHEREAS, on August 4, 2021, 800 Corte Madera, LLC, submitted an application for a Lot-Line Adjustment, Pre-Zoning, and General Plan Map and Zoning Map Amendments, and CEQA Exemption to incorporate approximately 21,680 sq. ft. (a portion of APN 033-200-01) into the Town of Corte Madera; and

WHEREAS, on December 6, 2021, the City of Mill Valley approved a resolution authorizing execution of the Tax Sharing Agreement at 800 Corte Madera Ave.; and

WHEREAS, on February 10, 2022, Marin LAFCO approved the detachment of the affected territory from the City of Mill Valley, annexation to the Town of Corte Madera and Sanitary District 2, and coterminous amendments to the City of Mill Valley's and the Town of Corte Madera's Spheres of Influence; and

WHEREAS, on February 15, 2022, the Corte Madera Town Council approved a resolution authorizing execution of the Tax Sharing Agreement at 800 Corte Madera Ave.; and

WHEREAS, on March 11, 2022, a public hearing notice was sent to all addresses within a 300 ft. radius of the project site, was posted on the Town's website, in the required public places and on March 12, 2022 in the Marin Independent Journal Newspaper announcing the March 22, 2022 Planning Commission Hearing; and

WHEREAS, on March 22, 2022, the Corte Madera Planning Commission held a public hearing, reviewed the staff report, received a staff presentation and public comments via videoconference on the requested Lot-Line Adjustment, Pre-Zoning, General Plan Map and Zoning Map Amendments, and CEQA Exemption to incorporate approximately 21,680 sq. ft. (a portion of APN 033-200-01) into the Town of Corte Madera, and unanimously recommended their approval by the Town Council; and

WHEREAS, on April 8, 2022, a public hearing notice was sent to all addresses within a 300 ft. radius of the project site, was posted on the Town's website, in the required public places and on March 9, 2022 in the Marin Independent Journal Newspaper announcing the April 19, 2022 Town Council Hearing; and

WHEREAS, on April 19, 2022, the Corte Madera Town Council held a public hearing, reviewed the staff report, received a staff presentation and public comments via videoconference on the requested Lot-Line Adjustment, Pre-Zoning, General Plan Map and Zoning Map Amendments, and CEQA Exemption to incorporate 21,680 sq. ft. (APN 033-200-01) into the Town of Corte Madera; and

WHEREAS, a draft ordinance pre-zoning and amending the Zoning Map is attached to this resolution as Exhibit A and incorporated herein by reference; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Corte Madera Town Council does hereby **approve** a Lot-Line Adjustment, General Plan Map Amendment, and CEQA Exemption, for the 800 Corte Madera Avenue property application submitted by 800 Corte Madera, LLC 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 approvals includes, but is not limited to:

(1) the FEIR certified for the 2009 General Plan, including the appendices and technical reports cited in and/or relied upon in preparing the FEIR, (2) all staff reports, Town files and records and other documents prepared for and/or submitted to the Town Council relating to the 800 Corte Madera Avenue Project, and its request for a Pre-Zoning, Lot-Line Adjustment, General Plan Map Amendment and Zoning Map Amendment, (3) all documentary and oral evidence received at public hearings or submitted to the Town relating to the project, and (4) 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 areas.

The location and custodian of the Record is the Planning Director of the Town of Corte Madera, P.O. Box 159, Corte Madera, CA 94976-0159.

3. General Plan Map Amendment

The Town Council amends General Plan Figure 2.4, Land Use Diagram, by adding the 21,680 sq. ft. (APN 033-200-01), defined as the Affected Property in the draft ordinance attached as Exhibit A, to the areas designated Open Residential (OR).

4. Lot Line Adjustment

The Town Council approves the lot line adjustment adding an approximately 21,680 sq. ft. portion of APN 033-200-02 to the 800 Corte Madera Avenue property (APN 025-231-18) as described in the lot line adjustment application submitted by 800 Corte Madera, LLC.

CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") DETERMINATION

The Planning Department has determined that the proposed entitlements - Lot-Line Adjustment, Pre-Zoning, General Plan and Zoning Map Amendments are exempt from the California Environmental Quality Act (CEQA Section 15301 - existing facilities) because the subject property and approving the entitlements will not result in new development or intensification of uses. The property is developed with existing facilities and will not have potential to cause a significant effect on the environment.

LOT LINE ADJUSTMENT - REQUIRED FINDINGS

The Town Council hereby makes the following findings required by Section 17.68.060 of the Corte Madera Municipal Code and based on California State law.

1. The parcels resulting from the proposed lot line adjustment conform to the General Plan and any applicable specific plan.

The proposed lot line adjustment will conform with the General Plan for Open Residential parcels with approval of the Pre-Zoning and General Plan Map Amendment. The existing improvements have been used by the previous and current property owners for over 20-years and do not require any new expansion of services or result in any environmental impacts as a result of the expansion of the parcel. The existing development is consistent and compatible with the allowable uses for Open Residential parcels.

2. The parcels resulting from the proposed lot line adjustment conform to the building ordinance and zoning ordinance, including but not limited to those provisions which address minimum lot size,

required lot frontage, lot width at the front yard setback, building setbacks, building lot coverage, and floor area ratio.

The proposed lot line adjustment will result in the creation of a parcel consistent with the allowable uses and will be in conformance with the provisions including lot size, required lot frontage, lot width at the front yard setback, building setbacks, building lot coverage, and floor area ratio. No new development or disturbance is proposed as part of the lot line adjustment.

ANNEXATION, PRE-ZONING, AND GENERAL PLAN MAP AMENDMENT and ZONING MAP AMENDMENT –AUTHORITY

Pursuant to California Code of Regulation Section 56662 and 56668 and 56668.3, Marin LAFCO has the authority to grant annexation if the property in question meets the criteria listed within those Sections. This includes environmental and land use issues such as population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; and the likelihood of significant growth in the area. As noted above and in the project staff report, the Encroachment Area is located contiguous to the 800 CM property and to the Corte Madera Town boundary and has been developed and used by past and current owners as accessory to the primary single-family residence. The annexation area would not result in any new intensification of uses and does not require any new land development or disturbance.

HILLSIDE LAND CAPACITY OVERLAY DISTRICT– REQUIRED FINDINGS

The Town Council hereby makes the following findings required by Section 18.18.120 Findings for Approval of the Hillside Land Capacity Overlay District (HLC) of the Corte Madera Municipal Code.

1. The project mitigates any identified geologic or seismic hazard concerns;

With approval of the Pre-Zoning and General Plan and Zoning Map Amendments the proposed lot line adjustment will conform with the HLC overlay for hillside residential parcels. The existing improvements have been used by the previous and current property owners for over 20-years and do not require any new development or seismic investigation nor will it result in any environmental impacts. The existing development is consistent and compatible with the allowable uses for hillside residential parcels.

2. No building is located within fifty feet of a ridge (provided, that there is another location on the site which can accommodate a building consistent with other regulations and constraints applicable to the district in which the site is located);

With approval of the Pre-zoning Ordinance and General Plan and Zoning Map Amendments the proposed lot line adjustment will conform with the HLC overlay for hillside residential parcels. The existing improvements have been used by the previous and current property owners for over 20-years and are not located within 50-ft of a ridge. The existing development is consistent and compatible with the allowable uses for hillside residential parcels.

3. The visual impact of any development has been mitigated, including but not limited to retention of existing vegetation where possible and revegetation as directed;

With approval of the Pre-zoning Ordinance and General Plan and Zoning Map Amendments the proposed lot line adjustment will conform with the HLC overlay for hillside residential parcels. The existing improvements have been used by the previous and current property owners for over 20-years and do not require any new vegetation removal, visual impacts, or result in any environmental impacts. The existing development is consistent and compatible with the allowable uses for hillside residential parcels.

4. The development incorporates adequate mitigation for fire protection as determined by the town's fire chief.

With approval of the Pre-zoning and General Plan and Zoning Map Amendments the proposed lot line adjustment will conform with the HLC overlay for hillside residential parcels. The existing improvements have been used by the previous and current property owners for over 20-years and do not require any new expansion of services as a result of the lot-line adjustment. The existing residential uses have been served by the Central Marin Fire Department and are consistent and compatible with the allowable uses for hillside residential parcels.

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PASSED AND ADOPTED by the Corte Madera Town Council on April 19, 2022 by the following vote:

AYES: Councilmembers: Beckman, Casissa, Lee, Mongan, Ravasio

NOES: Councilmembers: - None -

ABSTAIN: Councilmembers: - None -

ABSENT: Councilmembers: - None -

ATTEST:



Rebecca Vaughn, Town Clerk



Fred Casissa, Mayor