



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

CORTE MADERA PLANNING COMMISSION STAFF REPORT

REPORT DATE: FEBRUARY 6, 2015
MEETING DATE: FEBRUARY 10, 2015

TO: PLANNING COMMISSIONERS

FROM: ADAM WOLFF, PLANNING DIRECTOR

SUBJECT: STAFF EXPLANATION OF UPCOMING LAND USE PROCESS RELATED TO THE PROPOSED CORTE MADERA INN REBUILD PROJECT AND DISCUSSION OF POSSIBLE SCHEDULING OF INFORMATIONAL MEETING

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PURPOSE:

At the January 27, 2015, Planning Commission meeting, the Commission requested that staff explain the upcoming land use process related to the Corte Madera Inn Rebuild project so that the Commission and public could better understand the process and estimated timeline by which the project will be evaluated by the Planning Commission and Town Council.

In response to staff's suggestion to schedule an informational meeting related to the Corte Madera Inn Rebuild project, the Commission requested this subject be discussed as well.

RECOMMENDATION:

Staff recommends that the Commission ask questions about the land use process, estimated schedule, and/or other process-related items, discuss goals, format and procedures related to a possible "informational" meeting, and approve motion to schedule such meeting consistent with overall project schedule.

BACKGROUND:

Corte Madera Inn Application

The Corte Madera Inn Rebuild application consists of four actions that require Town approval in order to facilitate the applicant's proposed project. The four actions include:

General Plan Amendment: The Corte Madera Inn is currently located in a Mixed Use Commercial General Plan land use designation. This designation, adopted in 2009, allows a Floor Area Ratio (FAR)

up to .34. Since the applicant is proposing an FAR of .55, a General Plan Amendment is necessary. Rather than propose to change the Mixed Use Commercial land use designation, which would have affected all similarly designated properties in Town, the applicant is proposing to create a new land use designation – Motel/Hotel Highway Commercial – that would allow up to .55 FAR. The applicant’s property is the only property currently contemplated for such designation. Public hearings before the Planning Commission and Town Council are required for amendments to the Town’s General Plan. The Planning Commission’s decision takes the form of a recommendation to the Town Council, who has ultimate authority to approve or deny.

Zoning Ordinance Amendment: The Corte Madera Inn is currently located in a C-3 Highway Commercial zoning district. The C-3 district allows up to .34 FAR for hotel uses, which are only allowed by conditional use permit. Again, rather than propose to change the C-3 district regulations, the applicant is proposing to create a new zoning designation – C-5 Motel/Hotel Highway Commercial – consistent with the proposed General Plan Amendment, that would allow up to .55 FAR for motel/hotel uses. Public hearings before the Planning Commission and Town Council are required for amendments to the Town’s Zoning Ordinance. The Planning Commission’s decision takes the form of a recommendation to the Town Council, who has ultimate authority to approve or deny.

Preliminary Plan: Based on the size of the proposed development and its location within the BRNH (Baylands Risk Zone and Natural Habitat) Overlay District, approval of a preliminary plan is required to ensure that development occurs in a manner that is consistent with applicable policies and programs of the General Plan. As discussed in 18.18.015 and 18.18.040 of the Zoning Ordinance, the preliminary plan for the Corte Madera Inn Rebuild proposal must be reviewed by both the Planning Commission and the Town Council. The Planning Commission’s action to approve or conditionally approve a preliminary plan takes the form of a recommendation to the Town Council and an action for denial may be appealed to the Town Council. Review of the preliminary plan is limited to the general acceptability of the land uses and densities proposed and their interrelationships.

Precise Plan: For the same reason cited above in relation to the preliminary plan, approval of a precise plan is also required as part of this proposal and must be reviewed by both the Planning Commission and Town Council. Pursuant to 18.18.045 of the Zoning Ordinance, the precise plan application includes all information required for design review approval and therefore review of the precise plan also constitutes review of the design review application. In addition, the precise plan must be in substantial conformance with the preliminary plan.

EIR Process

Upon review of the Corte Madera Inn Rebuild application, the Planning Department, acting as the “lead agency” under CEQA, determined that a full EIR was necessary. CEQA mandates that the preparation and disclosure of CEQA documents follow prescribed steps. As you know, all of the public notices, meetings, and documents prepared to this point, have related to the CEQA process, which intends to define for decision-makers and the public the environmental effects of proposed activities and inform their evaluation of a proposal’s appropriateness. Prior to any action by the Town on the Corte Madera Inn applications, the decision-making body must certify the FEIR, adopt appropriate findings and any applicable mitigation monitoring report associated with identified environmental impacts

Land Use Process To Date

The following table lists key dates in the land use process for the Corte Madera Inn Rebuild project as of today:

December 19, 2013	Original Application Filed
February 27 and April 10, 2014	Revised Applications Filed
April 22, 2014	Notice of Preparation for EIR Filed
May 15, 2014	Public Scoping Meeting Held
November 17, 2014	Notice of Availability for DEIR Filed
December 9, 2014	Public Hearing on DEIR Held
January 20, 2015	End of Comment Period on DEIR (extended from January 9, 2015)

DISCUSSION/ANALYSIS:

Land Use Process Next Steps

The Planning Department received approximately 85-90 written comments and approximately 20 oral comments (at the December 9, 2014 Public Hearing) on the Draft Environmental Impact Report. Staff and our environmental consultant, are reviewing the comments, preparing responses, and will be considering their implications for the EIR. Pursuant to CEQA Guidelines Section 15088.5, a DEIR may need to be recirculated if a new significant impact is identified or other significant new information is presented as a result of the comments received. This has yet to be evaluated by staff at this time. For the purposes of describing the next steps and an estimated timeline, however, we have assumed that no recirculation is required.

Based on the application review requirements mentioned above and those required by CEQA, the below table represents the next steps in the land use process, together with estimated timing for each step.

Completion of FEIR	End of March
Minimum 10 day public agency review period	End of March/Early April
Planning Commission Public Hearings (2) to make recommendations to Town Council on certifying, making necessary findings, and adopting mitigation monitoring report for FEIR, and approving/denying proposed land use applications	April/May
Town Council Public Hearings (2) to decide whether to certify, make necessary findings, and adopt mitigation monitoring report for FEIR, and approve/denyproposed land use applications	May/June

While it is not required that all of these actions are reviewed at the same time, staff believes that a productive discussion and evaluation of the project necessarily will touch on aspects of all required approvals given the interrelated nature of the applications. With respect to timing, staff notes there is nothing that requires Planning Commission action after two meetings or requires

consecutive meetings to be held two weeks apart. It is possible that comments made by the Commission or Council may require the applicant additional time to respond.

"Informational" Meeting

At the January 27, 2015 Planning Commission meeting, staff raised the possibility of holding an "informational" meeting on the Corte Madera Inn Rebuild project at the end of February. Staff notes that at the December 9, 2014, public hearing on the DEIR and in follow up comments and questions fielded by staff, that the land use process, and Town staff and the Planning Commission's role in such process, could be clarified to help members of the public gain a better understanding of the Town's reviewing obligations and the overall timing for decisions.

Additionally, based again on public comments received during the circulation of the DEIR, there appears to be a lack of understanding of the applications that have been filed with the Town, why such approvals are being sought by the applicant, and some of the reasoning behind their requests. While the applicant would undoubtedly provide such information at the first public hearing on their applications, staff believes having the applicant discuss this baseline information in a non-hearing setting and prior to the formal decision-making process, will help provide the necessary context for more productive discourse between the community and applicant, and provide the Planning Commission (and its two new members), with important information earlier in the process.

Staff believes the goals, format, and procedures for such a meeting are important in ensuring the meeting provides the intended benefit to all participants. Staff believes the primary goal of the meeting should be to better understand the proposal, project, and process and therefore essentially all communication with the applicant (from both the Commission and public) should be toward that end. Staff will be prepared to discuss further at the February 10, 2015 meeting.