

**CORTE MADERA PLANNING COMMISSION
RESOLUTION NO. 16-026**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CORTE
MADERA RECOMMENDING ADOPTION OF A NEGATIVE DECLARATION
PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
GUIDELINES SECTION 15074, ADOPTION OF A ZONING ORDINANCE
AMENDMENT CREATING A NEW CHAPTER 18.13 AND MIXED-USE ZONING
DISTRICT (MX-1) AND THE REZONING OF THE SEVEN PROPERTIES BOUNDED
BY TAMAL VISTA BOULEVARD TO THE WEST, WORNUM DRIVE TO THE
NORTH, HIGHWAY 101 TO THE EAST, AND MADERA BOULEVARD TO THE
SOUTH (THE "TAMAL VISTA CORRIDOR"), AND A GENERAL PLAN
AMENDMENT CHANGING THE LAND USE DESIGNATION FOR 75 TAMAL VISTA
BOULEVARD TO MIXED-USE COMMERCIAL TO BE CONSISTENT WITH THE MX-
1 ZONING DISTRICT.**

WHEREAS, the Town Council of the Town of Corte Madera adopted a comprehensive update to the Corte Madera General Plan on April 21, 2009 (the "2009 General Plan"); and

WHEREAS, many commercial properties adjacent to Highway 101 were re-classified from Region-Serving Commercial or Commercial Services land use designations, which did not allow residential uses, to the Mixed-Use Commercial land use designation in the Land Use Element of the 2009 General Plan; and

WHEREAS, the Mixed-Use Commercial land use designation is intended to "support infill activities, and site and building redevelopment of existing neighborhood commercial centers and along commercial corridors. Allowable uses include office, light industrial (non-manufacturing), and commercial services, as well as new housing developments;" and

WHEREAS, the 2009 General Plan, and 2011 and 2015 Housing Element updates included policies and programs to create a new Mixed-Use zoning district through the adoption of amendments to the Corte Madera Zoning Ordinance to implement the policies of the Mixed-Use Commercial land use designation, including allowances for residential uses, for those properties so designated; and

WHEREAS, in response to concerns raised by members of the Corte Madera community about potential development projects and the level of redevelopment activity in the Tamal Vista Corridor, the Town Council of the Town of Corte Madera adopted an Urgency Ordinance (No. 942) on October 7, 2014, prohibiting the granting of land use entitlements within the Tamal Vista Corridor, other than those applications for land use entitlement already deemed complete by the Planning Department. This Ordinance was extended twice, on November 18, 2014 and September 15, 2015, and will expire on October 7, 2016; and

WHEREAS, in approving and extending the Urgency Ordinance, the Town Council

declared that “the Town has a responsibility to move forward with studies necessary to implement General Plan policies relating to the Tamal Vista East Corridor area in order to identify the regulations necessary to foster an appropriate mix of uses and harmonize and prioritize the various policies relating to land use, including circulation, economic development, housing, and community design. It is important for the Town to fulfill this responsibility and look carefully at implementing regulations that balance all of the Town’s policies prior to approving additional changes in land use on an individual parcel by parcel basis;” and

WHEREAS, Corte Madera Planning Department engaged the services of Metropolitan Planning Group (M-Group) in the summer of 2015 and embarked upon a comprehensive analysis and public consultation process in September 2015 (the “Tamal Vista Corridor Study”), designed to fulfill the purpose of the Urgency Ordinance and the goals and objectives of the 2009 General Plan; and

WHEREAS, the Town, through the efforts of the Planning Department, Planning Commission, and Town Council, facilitated public participation, education, significant public input, and opportunities for dialogue between and amongst various community stakeholders, Planning Department staff, and Town decision-makers, to help identify appropriate land use policy recommendations for the Tamal Vista Corridor. Six community-wide meetings and approximately 10 “stakeholder” meetings with individuals, groups of Corte Madera residents, Corte Madera organizations, and property-owners were convened for this purpose; and

WHEREAS, public meetings related to the Tamal Vista Corridor Study were generally noticed on the Town’s website, sent via email to subscribers of the Tamal Vista Corridor Study email group list and the Town’s e-notification system, sent via mail to property owners within and within 500 feet of the Tamal Vista Corridor, and posted on the Town’s Community Center reader board; and

WHEREAS, on June 4, 2016, the Planning Department released the draft Tamal Vista Corridor Study Report (“Report”) which included a detailed review of existing conditions, analytic tools, public outreach efforts and comments, and land use policy recommendations for the Tamal Vista Corridor; and

WHEREAS, on June 14, 2016 and July 19, 2016, the Planning Commission and Town Council respectively, held duly-notice public meetings to review, receive public comment, and provide direction regarding the draft land use policy recommendations for the Tamal Vista Corridor detailed in the Report; and

WHEREAS, the Town Council, at its July 19, 2016 public meeting, directed staff to proceed with the development of draft zoning ordinance amendments for review and consideration by the Planning Commission based on the policy recommendations included in the report and comments received by the Town Council and Planning Commission; and

WHEREAS, on August 24, 2016, the Planning Department published a Notice of Intent to adopt a Negative Declaration/Initial Study, and public hearing notice for proposed

Zoning Ordinance and General Plan amendments in compliance with CEQA Guidelines Section 15072 and California Government Code Section 65854, Section 65090, and Section 65091; and

WHEREAS, on September 2, 2016, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on September 13, 2016, the Planning Commission held a public hearing, received the staff report and a reviewed a presentation from the Planning Department, and received comments from the public; and

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

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 General Plan EIR, (3) the 2015 Housing Element update, (4) the Tamal Vista Corridor Study Report, (5) all staff reports, Town files and records and other documents prepared for and/or submitted to the Planning Commission relating to the Tamal Vista Corridor Study Report and Zoning Ordinance and General Plan amendments related to the creation of new Zoning Ordinance Chapter 18.13 and the MX-1 zoning district, (6) all documentary and oral evidence received at public hearings or submitted to the Town relating to the Tamal Vista Corridor Study Report and Zoning Ordinance and General Plan amendments related to the creation of new Zoning Ordinance Chapter 18.13 and the MX-1 zoning district, and (7) all matters of common knowledge to the Planning 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. General Plan Consistency

The Planning Commission of the Town of Corte Madera does hereby find that the proposed Zoning Ordinance Amendments for the creation of new Zoning Ordinance Chapter 18.13 and a new MX-1 zoning district, and to rezone the seven properties that comprise the Tamal Vista Corridor, is consistent with the 2009 General Plan policies and programs, as modified by the General Plan amendment included in this resolution. The

specific policies and programs on which the Planning Commission makes this finding include, but are not limited to:

Implementation Program LU-1.1a Ordinance Revisions

Prepare and adopt revisions to the Municipal Code, including the Zoning and Subdivision Ordinances, that organize and update existing resolutions and ordinances of the Town to ensure consistency with the General Plan, including land uses, lot sizes and floor area ratios. Uses and structures made non-conforming by adoption of the General Plan will be allowed to be continued, and further addressed in the Zoning Ordinance update.

The proposed Zoning Ordinance amendments to create a new Zoning Ordinance Chapter 18.13 and MX-1 zoning district, and rezone the Tamal Vista Corridor will update the existing Zoning Ordinance to make it consistent with the General Plan land use designations identified in the General Plan Land Use Diagram. The performance and development standards of the MX-1 district will ensure that the many of the design and operational goals for mixed-use development are required.

Implementation Program LU-1.1b Mixed-Use Zone

Amend the Corte Madera Zoning Ordinance to add a Mixed-Use Zone to implement the Mixed-Use designations, and apply this Zoning to lands so designated on the Land Use Diagram. Corollary changes to parking provisions of the Zoning Ordinance shall also be made to ensure adequate set-aside of parking spaces for residential uses in mixed-use developments.

The proposed Zoning Ordinance amendment to create new Zoning Ordinance Chapter 18.13 and the MX-1 zoning district responds directly to this implementation program in the General Plan and as noted in the recitals of this resolution, was the impetus for Tamal Vista Corridor Study and the proposed MX-1 district. The new Chapter 18.13 and MX-1 district will apply to six properties designated Mixed-Use Commercial on the General Plan Land Use Diagram and another that would be designated Mixed-Use Commercial with the adoption of the General Plan amendment proposed in conjunction with the zoning ordinance amendment.

Parking standards have been included in the MX-1 district to ensure that all uses within a mixed-use project are required to set aside parking for their particular use.

4. General Plan Findings

The Planning Commission of the Town of Corte Madera does hereby find that the proposed General Plan amendment to the Land Use Element to change the land use designation of 75 Tamal Vista Boulevard from Public/Semi-Public Facilities to Mixed-Use Commercial is in the best interest of the Town because it sets appropriate land use policy in the event that the site, currently owned by the State of California, may be sold and/or reused in the future, however unlikely. The Planning Commission notes that the site has been analyzed and assessed along with all the other properties in the Tamal Vista Corridor Study and that the Report does not distinguish this site from others. The

site characteristics are similar to other sites within the Tamal Vista Corridor and any potential redevelopment of the site would benefit from the requirements placed on development by the MX-1 district, particularly those related to the reservation of property adjacent to Tamal Vista Boulevard for public use.

5. Relationship to Existing Applications Deemed Complete and Existing Uses

The Planning Commission recognizes that two specific land use entitlement applications were excluded from the Town Council's Urgency Ordinance in 2014. These include land use entitlements, including General Plan and Zoning Ordinance amendments, associated with the proposed redevelopment of the Corte Madera Inn site (56 Madera Boulevard) and an application to re-zone the Market Place property (47-71 Tamal Vista Boulevard).

The Planning Commission, in recommending adoption of a new zoning district (MX-1) for the Tamal Vista Corridor, does not intend to preclude these existing applications from being processed and acted upon by the Planning Commission or Town Council, if desired by the applicants. In addition, the Planning Commission, despite recommending adoption of new land use policy for all properties within the Tamal Vista Corridor through this resolution, shall review and make recommendations on the above applications without prejudice in consideration of new or different land use policy than that proposed in the MX-1 district, and base decisions on the evidence presented .

Additionally, uses made non-conforming or non-complying by adoption and enactment of the General Plan and Zoning Ordinance amendments shall be regulated by the provisions of the Section 18.32 of the Corte Madera Zoning Ordinance (Nonconforming Uses, Structures and Sites).

6. Compliance with the California Environmental Quality Act (CEQA)

Pursuant to CEQA Guidelines Section 15074, prior to a recommendation that the Town Council adopt the Negative Declaration prepared for this project, the Planning Commission must consider the proposed Negative Declaration. The following findings must be made by the Town Council prior to adoption of the Negative Declaration:

1. The Negative Declaration was prepared in accordance with the California Environmental Quality Review Act.
2. The Town Council has considered the proposed 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, with implementation of the proposed mitigation measures, will have a significant effect on the environment.
3. The 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 Planning Commission has reviewed the Negative Declaration and based on its independent judgement and analysis determines that the Negative Declaration was prepared in accordance with the California Environmental Quality Review Act 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 particular, the Commission 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 (Zoning and General Plan amendments) will have a less than significant impact on the environment for the reasons specified.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission herby recommends that the Town Council approve the Zoning Ordinance Amendment, attached hereto as "Exhibit A," amend the Town Zoning Map as shown in "Exhibit B," approve the General Plan Amendment, attached hereto as "Exhibit C," and amend the Land Use Diagram of the Land Use Element of the 2009 General Plan as shown in "Exhibit D."

* * * * *

PASSED AND ADOPTED by the Corte Madera Planning Commission on September 13, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair

Adam Wolff, Planning Director

EXHIBIT A

**ZONING ORDINANCE AMENDMENT (NEW CHAPTER 18.13 AND MX-1
DISTRICT)**

See Attachment 1 of 9/13/16 Staff Report

EXHIBIT B

AMENDMENT TO TOWN ZONING MAP

See Attachment 3 of 9/13/16 Staff Report

EXHIBIT C
GENERAL PLAN AMENDMENT

See Attachment 6 of 9/13/16 Staff Report

EXHIBIT D

AMENDMENT TO GENERAL PLAN LAND USE DIAGRAM

See Attachment 6 of 9/13/16 Staff Report