

ORDINANCE NO. 1018

PRE-ZONING-AND ZONING MAP AMENDMENT

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE
MADERA APPROVING A PRE-ZONING AND ZONING MAP
AMENDMENT FOR AN APPROXIMATELY 21,680 SQUARE FEET
PROPERTY ADJACENT TO 800 CORTE MADERA AVENUE**

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

WHEREAS, on February 10, 2022, Marin LAFCO approved the detachment of the Affected Property from the City of Mill Valley and its annexation to the Town of Corte Madera and Sanitary District 2; and

WHEREAS, on February 15, 2022, the Corte Madera Town Council approved a resolution authorizing execution of the Tax Sharing Agreement for the Affected Property; and

WHEREAS, on March 11, 2022, a public hearing notice was sent to all addresses within a 300 ft. radius of the Affected Property, 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 Pre-Zoning, Lot-Line Adjustment, General Plan Map and Zoning Map Amendments, and CEQA Exemption to incorporate 21,680 sq. ft. (APN 024-031-15) into the Town of Corte Madera, and unanimously recommended their approval by the Town Council; and

WHEREAS, the proposed amendment to the Zoning Map is set forth in the Staff Report regarding this action dated April 15, 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera hereby finds 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 Council makes its recommendation includes, but is not limited to: (1) the 2009 General Plan (2) all staff reports, project applications, Town files and records and other documents prepared for and/or submitted to the Town Council relating to the Affected Property, and its request for a Pre-Zoning, Lot-Line Adjustment, General Plan Map 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, 300 Tamalpais Drive, Corte Madera, CA 94925.

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

The Planning Department has determined that the proposed entitlements – Pre-Zoning, Lot-Line Adjustment, General Plan and Zoning Map Amendments are exempt from the California Environmental Quality Act (CEQA Section 15301 - existing facilities) because the subject property does not entail 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.

4. Pre-Zoning

The Town Council pre-zones the Affected Property to the R-1-C Open Residential District and the Hillside Land Capacity Overlay District.

5. Amendment

The Town Council amends the Official Zoning Map of the Town of Corte Madera, as incorporated by reference in Corte Madera Municipal Code Section 18.60.020, by adding the Affected Property to the areas zoned (i) R-1-C Open Residential District and (ii) Hillside Land Capacity Overlay District.

6. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional on their face or as applied.

7. Effective Date

This ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

8. Posting

The Clerk of the Town shall cause this ordinance to be published and/or posted within fifteen days after its adoption.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Council approves the pre-zoning of the Affected Property and Zoning Map Amendment based on the following findings:

General

The Town Council finds that the Pre-zoning and Zoning Map Amendment is in the best interest of the Town by allowing the Marin County Open Space District to complete its transaction with the property owner; ensure the maintenance of the Affected Property in accordance with Town regulations and provide for the orderly provision of services to the Affected Property.

Required Zoning Ordinance Amendment Findings

Pursuant to Corte Madera Municipal Code §18.36.090, to authorize amending the Zoning Map to add the Affected Property to the R-1-C Open Residential District and the Hillside Land Capacity Overlay District, the Town Council shall make the following findings:

1. The Pre-Zoning and Zoning Map Amendment are consistent with the General Plan.

The project entitlements include a General Plan Map Amendment adding the Affected Property to the land designated as Open Residential. The established current residential accessory land use is consistent with that designation.

2. The Pre-zoning and Zoning Map Amendment conform with the Zoning Ordinance and will be in accord with the purposes of the district in which it is proposed to be added

The current residential accessory land use of the Affected Property is consistent with the proposed R-1-District designation and with the HLC Overlay District regulations.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the Town Council of Corte Madera at a regular meeting held on the 19th day of April 2022, and adopted by the Town Council of Corte Madera at a regular meeting held on the 3rd day of May 2022, by the following vote, to wit:

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

NOES: Councilmembers: - None -

ABSENT: Councilmembers: - None -



Fred Casissa, Mayor

ATTEST:



Rebecca Vaughn, Town Clerk