

Attachment 1
Draft Town Council Resolution No. 02/2023 Certifying the Final SEIR

RESOLUTION NO. 02/2023

FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA (TOWN) CERTIFYING A FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (FINAL SEIR) FOR THE TOWN OF CORTE MADERA 6th CYCLE (2023-2031) HOUSING ELEMENT UPDATE PROJECT AND MAKING FINDINGS, INCLUDING ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTIONS 15090 AND 15091

WHEREAS, in 2009, the Town of Corte Madera (Town) certified a program EIR pursuant to CEQA Guidelines Section 15168 for the Town’s General Plan, titled *Town of Corte Madera General Plan Revised Final EIR* (2009 general plan EIR); and

WHEREAS, the Town is updating its existing Housing Element as required by State Housing law for the 6th Cycle planning period covering 2023 through 2031. The update to the Housing Element requires additional amendments to the Town’s General Plan, including the Land Use Element and Safety Element, as well as Zoning Ordinance amendments. All of the foregoing regulatory amendments constitute the proposed project; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. (CEQA Guidelines), the Town as lead agency prepared a Draft Subsequent Environmental Impact Report (Draft SEIR) (State Clearinghouse SCH No. 2005062023) dated October 5, 2022 for the proposed project; and

WHEREAS, the Draft SEIR was prepared as a program EIR, as defined in CEQA Guidelines Section 15168, because the proposed project pursuant to CEQA constitutes a “program” consisting of a series of actions that can be characterized as one large project and is subject to the provisions of CEQA Guidelines Section 15168(a)(1-4); and

WHEREAS, the Draft SEIR was prepared in accordance with CEQA as a “community-level” environmental review in accordance with Public Resources Code (CEQA) § 21159.20; and

WHEREAS, pursuant to CEQA Guidelines Section 15162 and Public Resources Code (CEQA) § 21166, the Draft SEIR is “subsequent” to the 2009 general plan EIR, updating existing analysis where appropriate, and presenting new analysis where necessary; and

WHEREAS, the Draft SEIR evaluates only the change in General Plan buildout resulting from the amendments to the Land Use and Housing Elements and does not evaluate total buildout of the amended General Plan; and

WHEREAS, the Town found, based upon the threshold criteria for significance presented in the Draft SEIR, that all potentially significant environmental effects of the proposed project can be avoided or reduced to insignificance with feasible mitigation measures and no unavoidable significant adverse impacts would occur due to implementation of the proposed project; and

WHEREAS, the Draft SEIR analyzes information that was known and available at the time of preparation and that would otherwise not be too speculative to analyze at a “community-level”, because there are no proposed development applications, project level details, or development plans associated with the proposed program

action, and the Draft SEIR discloses potential impacts of the proposed project, and identifies a mitigation framework that will apply to future housing development at the housing opportunity sites; and

WHEREAS, the Town circulated the Draft SEIR for a 45-day public review and comment period that began on October 7, 2022 and concluded on November 21, 2022; and

WHEREAS, the Town held a public meeting on October 27, 2022 to hear public comments; and

WHEREAS, the Town received comments and letters concerning the Draft SEIR from three public agencies and, pursuant to CEQA Guidelines Section 15088, the Town has prepared written responses to all comments received on the Draft SEIR which raised environmental issues; and

WHEREAS, the Town has determined that the comments received on the Draft SEIR do not contain any significant new information within the meaning of CEQA Guidelines Section 15088.5 and therefore recirculation of the Draft SEIR is not required; and

WHEREAS, the Town has prepared a Final SEIR dated December 8, 2022 pursuant to CEQA Guidelines Section 15089, which consists of the Draft SEIR and the revisions and additions thereto, technical appendices, public comments and the Town's responses to public comments on the Draft SEIR, which contains the information required by CEQA Guidelines Section 15132 and copies of which are all available on the Town's website and at the Town Hall; and

WHEREAS, changes have been made to the proposed project description to allow more senior housing units than evaluated in the Draft SEIR and Final SEIR; and

WHEREAS, the Town has prepared an Errata to the Final SEIR to evaluate the changes in the project description after circulation of the Draft SEIR, and concluded that the change in the project description would not result in any new impacts that were not already addressed in the Final SEIR; and

WHEREAS, on December 2, 2022, notice of the Corte Madera Planning Commission public hearing on the Final SEIR, amendment to the General Plan Land Use Element, and Zoning Ordinance Amendments was posted at the Town's fire station, Town Hall, library post office, and was posted to the Town's website; and

WHEREAS, on December 2, 2022, notices were mailed to property owners within 300 feet of the ten housing opportunity sites announcing the public hearing on December 13, 2022. In addition, the public was notified of the Planning Commission hearing via the email list of individuals who have signed up on the Town's website to be notified of Town meetings, the interested parties list for the Housing Element Update project, and postings on the Town's social media accounts; and

WHEREAS, on December 3, 2022, 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 December 13, 2022, the Planning Commission held a public hearing on the Final SEIR and the proposed project; and

WHEREAS, by Resolution No. 22-018, the Planning Commission did consider and recommend, by a vote of 5-0 that the Town Council take the following actions: 1) adopt a Resolution to certify and adopt the Final Subsequent Environmental Impact Report prepared for the project, 2) adopt a Resolution approving amendments to the Land Use Element of the General Plan to create a new Mixed-Use Housing Element land use designation, and 3) adopt an Ordinance to amend Chapter 18.04 (Definitions) and add a new Housing Element Overlay District to Chapter 18.18 (Special Purpose Overlay District); and

WHEREAS, on December 28, 2022, notice of the Corte Madera Town Council public hearing on the Final Subsequent Environmental Impact Report (SEIR), amendment to the General Plan Land Use Element, and zoning ordinance amendments was posted at Town’s fire station, Town Hall, library and post office, and was posted to the Town’s website; and

WHEREAS on December 28, 2022, notices were mailed to property owners within 300 feet of the ten housing opportunity sites announcing the public hearing on January 11, 2023. In addition, the public was notified of the Town Council hearing via the email list of individuals who have signed up on the Town’s website to be notified of Town meetings, the interested parties list for the Housing Element Update project, postings on the Town’s social media accounts, and the Town readerboard at the Community Center; and

WHEREAS, on December 31, 2022, notice of the Town Council public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on January 11, 2023, the Town Council of the Town of Corte Madera conducted a public hearing at a special meeting on the item, and considered all oral and written comments submitted to the Town regarding the item prior to taking its actions on the item; and

WHEREAS, a Statement of Findings, Facts Pursuant to the California Environmental Quality Act in Support of Adoption of the Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update Findings of Fact are included in this resolution (Exhibit A).

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Corte Madera hereby certifies the Final Subsequent Environmental Impact Report, including the Errata, for the Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Council of the Town of Corte Madera 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 Town Council makes its findings and determinations includes, but is not limited to: (1) the 2009 General Plan, (2) the 2009 general plan EIR, 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 Town Council relating to the Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update including the SEIR and Errata prepared to evaluate the environmental effects of the Project (4) the Housing Element update adopted by the Town Council in 2015, including the adopted environmental determination (5) the draft 6th Cycle Housing Element Update, (6) the recommendation of the Planning Commission (7) all documentary and oral evidence received at public hearings or submitted to the Town relating to the SEIR, and (8) 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, 240 Tamal Vista Blvd., Suite 110, Corte Madera, CA 94925.

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

Pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* (“CEQA”), 14 California Code of Regulations, and Section 15000 *et seq.* (“CEQA Guidelines”), the Town Council hereby makes the findings set forth below. These Findings are based on the entire record identified above (#2).

Findings

Based on a review of the entire record, the Council finds that the Final SEIR and Errata reflects the independent judgment of the Town as lead agency. The Council has exercised independent judgment in accordance with CEQA Section 21082.1(c)(3) in retaining its own environmental consultant, directing the consultant in preparing the EIR, and reviewing, analyzing, and revising material prepared by the consultant.

A. Findings Required under CEQA

The mandate and principles set forth in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving a project for which an EIR is required. This mandate to adopt findings is found in Public Resources Code Section 21081, subdivision (a), and CEQA Guidelines Section 15091, subdivision (a). For each significant environmental effect identified in an EIR prepared for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

(Pub. Resources Code, § 21081, subd. (a); see also CEQA Guidelines, § 15091, subd. (a).) “[F]easible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” (CEQA Guidelines, § 15364.)

B. Findings Regarding Impacts that Remain Significant after Mitigation

The Final SEIR did not identify any significant unavoidable impacts. All potentially significant environmental impacts identified will be mitigated to a less-than-significant level with the incorporation of mitigation.

C. Findings and Recommendations Regarding Potentially Significant Impacts that Are Avoided or Reduced to Less-than-Significant by Mitigation

The Final SEIR identified 20 significant impacts that, with mitigation, can be reduced to less-than-significant levels. Table 1, included in Exhibit A, lists the 20 significant impacts, mitigation that reduces each impact, and the findings. Table 1 does not describe the full analysis of each environmental impact contained in the Draft and Final SEIR. Instead, Table 1 provides a summary description of each impact, the applicable mitigation measures identified in the Final SEIR, and states the Town’s findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions are contained in the Final SEIR, and these findings incorporate the discussions and analyses in

those documents supporting the Final SEIR's determinations regarding mitigation measures and the Projects' impacts and mitigation measures designed to address those impacts. Each proposed mitigation measure discussed in this section of the findings is assigned a title correlating it with the environmental category used in the Mitigation Monitoring and Reporting Program included in Exhibit B.

This Council finds that all potentially significant impacts of this project listed below can and will be mitigated, reduced, or avoided by implementation of mitigation measures. Specific findings of this Council for each category of such impacts are set forth below in this section.

Here, as set forth below, the Council hereby finds, pursuant to CEQA Section 21081, that the following potential environmental impacts can and will be mitigated to below a level of significance, based upon the implementation of the mitigation measures recommended in the Final SEIR.

In making these Findings, the Town Council ratifies, adopts and incorporates into these findings, the analyses and explanations in the Final SEIR, and Errata, and, ratifies, adopts and incorporates in these findings the determinations and conclusions of those documents relating to the environmental impacts and mitigation measures for the Project.

D. Findings Regarding Alternatives to the Project

CEQA and the CEQA Guidelines require that an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives" (CEQA Guidelines Section 15126.6[a]). In addition, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects" (CEQA Section 21001).

Based on the impact analysis and adopted mitigation measures, all significant effects of the project will be mitigated to a less-than-significant level. While CEQA requires the Town Council to consider project alternatives that would reduce any impacts to less-than-significant levels, the proposed project reduces impacts to less-than-significant levels through the imposition of feasible mitigation measures, and therefore adoption of an alternative is not required.

The project objectives are:

Housing Element Update

The objective of the Housing Element Update is to meet the requirements of State law, which include, without limitation, the following:

- Provide adequate housing stock to accommodate the Town's housing needs for a range of income levels, including very low, low, moderate and above-moderate-income households;
- Meet the housing unit goals as set by the Town's Regional Housing Needs Allocation (RHNA); and
- Provide a reasonable residential unit "buffer" of 20 percent above the Town's RHNA minimum target of 725 resulting in a total of 870 residential units.

Generally, a "buffer" is necessary to allow the Town to effectively comply with the "no net loss" provision of the Housing Element Law during the 8-year Housing Element planning period. HCD recommends that jurisdictions create a buffer of at least 15 to 30 percent more capacity than required, especially for capacity to accommodate the lower income RHNA (HCD 2020). The Town has decided to use a 20 percent buffer for purposes of the Housing Element Update.

The above is only a brief summary of State requirements. Recent legislation imposes additional and more complex demands, which the Housing Element Update describes and addresses.

Land Use Element Update

The objective of the Land Use Element Update is to ensure consistency with densities for those opportunity sites identified in the 2023-2031 Housing Element Update as capable of accommodating residential land uses.

Safety Element Update

The objective of the Safety Element Update is to meet the requirements of several pieces of state legislation that have been passed since 2010 that relate to the requirements of safety elements, including Assembly Bills (AB) 747 and 1409 (Levine) and Senate Bills (SB) 1241 (Kehoe), 379 (Jackson) and 99 (Nielsen).

Municipal Code Amendments

The objective of the Municipal Code amendments is to ensure that the Municipal Code is consistent with the updates to the Housing Element, Land Use Element, and Safety Element. Additionally, the municipal code amendments establish development standards for housing opportunity sites identified in the Housing Element Update.

CEQA Compliance

In 2009, the Town prepared a comprehensive program EIR analyzing the then-draft general plan and its impacts. The Housing Element Update and associated changes to the Land Use Element, Safety Element and zoning ordinance, will generate development beyond that contemplated by the 2009 general plan. The subsequent EIR's objective is to evaluate buildout of the housing element and associated regulatory changes with the degree of specificity that corresponds to the degree of specificity in the proposed project (housing opportunities provided in the Housing Element Update) in order to streamline the environmental review process when development applications are received. CEQA and its corresponding Guidelines provide many opportunities to streamline environmental review for construction projects when such applications are submitted to the Town for review and processing.

The following alternatives to the project were considered:

1. Alternative 1: No Project (Residential Development Consistent with Existing General Plan and Zoning);
2. Alternative 2: 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative); and
3. Alternative 3: 20 Percent Buffer Alternative.

Each of these alternatives is described below, followed by an analysis of how each alternative may reduce impacts associated with the proposed project.

Alternative 1 - No Project (Residential Development Consistent with Existing General Plan and Zoning)

Under the No Project Alternative, no changes to the General Plan or Municipal Code would occur. No changes would be made to either the Housing Element, Land Use Element, Safety Element, or Municipal Code in order to meet the requirements of State law. Since adoption of the 2015 Housing Element, the Town has been issued a RHNA target by ABAG of 725 units and is required by State law to address its housing needs in an updated Housing Element. The Housing Element Update and Safety Element Update goals, policies, and programs, as well as the Land Use Element and Title 18 (Zoning Code) would not be updated to address the Town's housing

needs under this alternative. The housing opportunity sites would retain their zoning designations. The Safety Element would not be updated to incorporate emergency access route information as required by various state laws that have passed since 2010.

The No Project Alternative would result in the continuation of existing conditions and planned development of Corte Madera. As noted in Section 3.0, Environmental Setting (see Table 3-2), of the Draft SEIR, existing land use designations and existing zoning would allow up to 300 residential units (or 378 units if a senior housing project were permitted for sites 1-5, 7, 8, 10, and 11) at the housing opportunity sites. The No Project Alternative, therefore, represents a decrease of either 583 or 505 units, or an approximately 65 percentage decrease, from the proposed project. No new significant environmental impacts, or an increased severity of environmental impacts above and beyond those impacts identified in the general plan EIR, would occur under this alternative because it would retain the current general plan land use designations and policy provisions addressing environmental impacts.

The No Project Alternative is the environmentally superior alternative. It would significantly reduce the proposed project's environmental impacts associated with visual resources and aesthetics, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, the No Project Alternative only partially meets the project objectives, as it would allow for up to 300 residential units though at a density and quantity that would not provide for adequate housing stock to accommodate the Town's growing housing needs for a range of income levels. The No Project Alternative would not meet the housing unit goals set out by the Town's RHNA for the 6th cycle as required by state law. In addition, this alternative would not provide a reasonable residential unit "buffer" of 20 percent above the Town's RHNA minimum target of 725 resulting in a total of 870 residential units. The No Project Alternative is not legally feasible and State law requires the Town to plan for a minimum number of housing units (725).

Alternative 2 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative)

Alternative 2, Residential Buildout Limited to Town's ABAG RHNA target (No Buffer Alternative), would result in the Town planning for a residential buildout equal to the Town's Regional Housing Needs Allocation (RHNA) target of 725 residential units (instead of the 883 units proposed) as provided by the Association of Bay Area Governments (ABAG) in December 2021 in its Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031. This alternative would alter the density permitted for each of the housing opportunity sites so that 600 residential units would be permitted in addition to 125 units (ADUs & single-family homes) that are currently permitted by Town regulations and state law (totaling 725 residential units). This alternative would provide 158 fewer residential units (an 18 percent reduction) compared to the proposed project. This alternative assumes that the reduction of 158 units would be spread across the housing opportunity sites and possibly necessitate some modifications to the proposed general plan land use, zoning, and other municipal code amendments to adjust the density requirements for each site to accommodate less residential units.

Alternative 2 is considered to be the next environmentally superior alternative after Alternative 1. However, this alternative only partially meets the project objectives. The alternative would allow for adequate housing stock to accommodate the Town's growing housing needs for a range of income levels while still meeting the housing unit goals set out by the Town's RHNA. However, this alternative would not meet the project objective which sets a "buffer" of 20 percent above the RHNA target of 725 residential units.

The 20 percent buffer is essential because of the State's "No Net Loss Law" (Government Code Section 65863). This law ensures that development opportunities remain available throughout the planning period (i.e., the 6th housing cycle) to accommodate a jurisdiction's RHNA, especially for lower- and moderate-income households. Under the "No Net Loss Law," a jurisdiction must maintain adequate sites to accommodate its remaining unmet RHNA by each income category at all times through the entire planning period. In addition, the jurisdiction may not take any action to reduce a parcel's residential density unless it makes

findings that the remaining sites identified in its Housing Element sites inventory can accommodate the jurisdiction's remaining unmet RHNA by each income category, or if it identifies additional sites so that there is no net loss of residential unit capacity. If a jurisdiction approves a development of a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, it must either make findings that the Housing Element's remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level, or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category. A jurisdiction may not disapprove a housing project on the basis that approval of the development would trigger the identification or zoning of additional adequate sites to accommodate the remaining RHNA (HCD 2019). In sum, if the Town does not have an adequate buffer, it may find itself obliged to make additional sites available for the RHNA shortfall, sites which are likely to be in short supply.

Alternative 3 20 Percent Buffer Alternative

Alternative 3, 20 Percent Buffer Alternative, proposes a reduction in the total residential unit of 883, as included in the proposed project to match the 20 percent residential buffer total of 870 (discussed above in Alternative 2 and in Section 4.0, Project Description, under "Housing Element Update Objectives" of the Draft SEIR) thus representing a reduction of 13 residential units or approximately 1.5 percent. However, instead of reducing the density permitted at each of the housing opportunity sites, this alternative would reduce one or more sites to reduce the number of residential units by 13.

Alternative 3 is considered the least environmentally superior alternative. Under Alternative 3, many of the project's environmental impacts would only be somewhat reduced. However, this alternative meets all project objectives as it would allow the Town to provide adequate housing stock to accommodate Corte Madera's housing needs for a range of income levels, including low and moderate-income households, meet the housing unit goals as set by the Town's Regional Housing Needs Allocation (RHNA), and provides a reasonable residential unit "buffer" of 20 percent above the RHNA minimum target of 725 resulting in a total of 870 residential units.

Environmentally Superior Alternative

The No Project Alternative is the environmentally superior alternative. It would significantly reduce the proposed project's environmental impacts associated with visual resources and aesthetics, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, the No Project Alternative only partially meets the Town's objectives, as it meets only a portion of the Town's required RHNA.

CEQA Guidelines Section 15126.6(e)(2) states that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Alternative 2, the 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative), is considered to be the next environmentally superior alternative. This alternative would result in reduced impacts associated with visual resources and aesthetics, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, this alternative only partially meets the project objectives and would result in a decrease of 158 residential units (an 18 percent reduction). Additionally, Alternative 2 would also only just meet the Town's RHNA without providing a buffer of at least 15 percent as recommended by HCD.

Alternative 3, the 20 Percent Buffer Alternative, is considered the least environmentally superior alternative. Under Alternative 3, many of the project's environmental impacts would only be somewhat reduced including those impacts associated with visual resources and aesthetics, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, these impacts would not be reduced to the degree

that Alternative 2 would reduce impacts given the scale of potential development being reduced (18 percent for Alternative 2 compared to 1.5 percent for Alternative 3). Alternative 3 does, however, meet all of the project's objectives and Alternative 3 would result in a minimal decrease in residential units (13 units or 1.5 percent).

The Town Council hereby finds that Alternative 2, the 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative), is considered to be the next environmentally superior alternative after Alternative 1, No Project Alternative. While Alternative 2, would result in reduced impacts, this alternative would only partially meet the project objectives. The Town Council finds that Alternative 3, the 20 Percent Buffer Alternative, despite meeting all of the project objectives, is considered the least environmentally superior alternative as many of the project's environmental impacts would only be somewhat reduced but not to the degree that Alternative 2 would reduce impacts. The data to support the substantial evidence to support these conclusions is found in the Alternatives Description and Analysis section of the Draft SEIR (Section 17.0).

4. Mitigation Monitoring and Reporting Program (MMRP)

Further, the Town Council hereby adopts the Mitigation Monitoring and Reporting Program (MMRP), attached hereto as Exhibit B, pursuant to Public Resources Code Section 21081.6, which program is designed to ensure compliance with the mitigation measures imposed to avoid or substantially lessen the significant effects identified in the SEIR.

5. Certification

Pursuant to CEQA Guidelines Section 15090, the Town Council certifies that:

The Final SEIR was prepared in accordance with the California Environmental Quality Review Act.

1. The Town Council has considered the proposed Final SEIR and Errata, together with all public comments received during the public review process and based on the whole record, does not find substantial evidence that the project will have a significant effect on the environment.
2. The Final SEIR reflects the lead agency's independent judgment and analysis.
3. Pursuant to §21081.6(a)(2) of the Public Resources Code, the Corte Madera Planning Department, located at 240 Tamal Vista Boulevard, Suite 110, Corte Madera, CA, 94925 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.

6. Notice of Determination

Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094, the Town Council shall direct Town staff to file a Notice of Determination with the Marin County Clerk and the State Clearinghouse.

PASSED AND ADOPTED by the Corte Madera Town Council on the 11th day of January, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

CHARLES LEE, MAYOR

ATTEST

REBECCA VAUGHN, TOWN CLERK

Attachments:

1. Exhibit A: Findings of Fact for Impacts Avoided or Reduced with Incorporation of Mitigation.
2. Exhibit B: Mitigation Monitoring and Reporting Program (MMRP).

EXHIBIT A TO ATTACHMENT 1

STATEMENT OF FINDINGS

EXHIBIT A

**STATEMENT OF FINDINGS, FACTS PURSUANT
TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
IN SUPPORT OF ADOPTION OF THE
TOWN OF CORTE MADERA 6TH CYCLE (2023-2031) HOUSING ELEMENT UPDATE**

FINDINGS OF FACT

Pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* (“CEQA”), 14 California Code of Regulations, and Section 15000 *et seq.* (“CEQA Guidelines”), the Town Council hereby makes the findings set forth below. These Findings are based on the entire record including the Subsequent Environmental Impact Report (“SEIR”) prepared by the Town of Corte Madera (“Town”) for the Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update (“Project”). The SEIR consists of a Draft Subsequent EIR (Draft SEIR) (October 2022), Final Subsequent EIR (Final SEIR) (December 2022), and Errata (December 9, 2022). The SEIR and other evidence in the record provides the substantial evidence for these findings and is incorporated by reference. The SEIR and Errata are available for review at the Town of Corte Madera Planning Department and also on the Town’s website at <https://www.cortemaderahousing.org/>

INDEPENDENT JUDGMENT

The Town retained the services of EMC Planning Group, an independent consultant, to prepare the CEQA documents for the project. The SEIR was prepared under the supervision and direction of Adam Wolff, Interim Town Manager and Martha Battaglia, Senior Planner.

FINDINGS

Based on a review of the entire record, the Council finds that the SEIR and Errata reflect the independent judgment of the Town as lead agency. The Council has exercised independent judgment in accordance with CEQA Section 21082.1(c)(3) in retaining its own environmental consultant, directing the consultant in preparing the EIR, and reviewing, analyzing, and revising material prepared by the consultant.

A. Findings Required under CEQA

The mandate and principles set forth in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving a project for which an SEIR is required. This mandate to adopt findings is found in Public Resources Code section 21081, subdivision (a), and CEQA Guidelines section 15091, subdivision (a). For each significant environmental effect identified in an EIR prepared for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final SEIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by that other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR.

(Pub. Resources Code, § 21081, subd. (a); see also CEQA Guidelines, § 15091, subd. (a).) "[F]easible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors." (CEQA Guidelines, § 15364.)

B. Findings Regarding Impacts that Remain Significant after Mitigation

The SEIR did not identify any significant unavoidable impacts. All potentially significant environmental impacts identified will be mitigated to a less-than-significant level with the incorporation of mitigation.

C. Findings and Recommendations Regarding Potentially Significant Impacts that Are Avoided or Reduced to Less-than-Significant by Mitigation

The SEIR identified 20 significant impacts that, with mitigation, can be reduced to less-than-significant levels. Table 1, below, lists the 20 significant impacts, mitigation that reduces each impact, and the findings. Table 1 does not describe the full analysis of each environmental impact contained in the Draft and Final SEIR. Instead, Table 1 provides a summary description of each impact, the applicable mitigation measures identified in the Draft and Final SEIR, and states the Town's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions are contained in the Draft and Final SEIR, and these findings hereby incorporate by reference the discussions and analyses in those documents supporting the Final SEIR's determinations regarding mitigation measures and the Projects' impacts and mitigation measures designed to address those impacts. Each proposed mitigation measure discussed in this section of the findings is assigned a title correlating it with the environmental category used in the Mitigation Monitoring and Reporting Program included in Exhibit B.

This Council finds that all potentially significant impacts of this project listed below can and will be mitigated, reduced, or avoided by implementation of mitigation measures. Specific findings of this Council for each category of such impacts are set forth below in this section.

Here, as set forth below, the Council hereby finds, pursuant to CEQA Section 21081, that the following potential environmental impacts can and will be mitigated to below a level of significance, based upon the implementation of the mitigation measures recommended in the SEIR.

In making these Findings, the Town Council ratifies, adopts and incorporates into these findings, the analyses and explanations in the Draft and Final SEIR and, ratifies, adopts and incorporates in these findings the determinations and conclusions of those documents relating to the environmental impacts and mitigation measures for the Project.

D. Findings Regarding Alternatives to the Project

CEQA and the CEQA Guidelines require that an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives" (CEQA Guidelines Section 15126.6[a]). In addition, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects" (CEQA Section 21001).

Based on the impact analysis and adopted mitigation measures, all significant effects of the Project will be mitigated to a less-than-significant level. While CEQA requires the Town Council to consider project alternatives that would reduce any impacts to less-than-significant levels, the proposed Project reduces

impacts to less-than-significant levels through the imposition of feasible mitigation measures, and therefore adoption of an alternative is not required. An EIR is not required to evaluate project alternatives that do not meet most of the Project objectives.

The Project objectives are:

Housing Element Update

The objective of the Housing Element Update is to meet the requirements of State law; which include, without limitation, the following:

- Provide adequate housing stock to accommodate the Town’s housing needs for a range of income levels, including very low, low, moderate and above-moderate-income households
- Meet the housing unit goals as set by the Town’s Regional Housing Needs Allocation (RHNA); and
- Provide a reasonable residential unit “buffer” of 20 percent above the Town’s RHNA minimum target of 725 resulting in a total of 870 residential units.

Generally, a “buffer” is necessary to allow the Town to effectively comply with the “no net loss” provision of the Housing Element Law during the 8-year Housing Element planning period. HCD recommends that jurisdictions create a buffer of at least 15 to 30 percent more capacity than required, especially for capacity to accommodate the lower income RHNA (HCD 2020). The Town has decided to use a 20 percent buffer for purposes of the Housing Element Update.

The above is only a brief summary of State requirements. Recent legislation imposes additional and more complex demands, which the Housing Element Update describes and addresses.

Land Use Element Update

The objective of the Land Use Element Update is to ensure consistency with densities for those opportunity sites identified in the 2023-2031 Housing Element Update as capable of accommodating residential land uses.

Safety Element Update

The objective of the Safety Element Update is to meet the requirements of several pieces of state legislation that have been passed since 2010 that relate to the requirements of safety elements, including Assembly Bills (AB) 747 and 1409 (Levine) and Senate Bills (SB) 1241 (Kehoe), 379 (Jackson) and 99 (Nielsen).

Municipal Code Amendments

The objective of the Municipal Code amendments is to ensure that the Municipal Code is consistent with the updates to the Housing Element, Land Use Element, and Safety Element.

CEQA Compliance

In 2009, the Town prepared a comprehensive program EIR analyzing the then-draft general plan and its impacts. The Housing Element Update and associated changes to the Land Use Element, Safety Element and zoning ordinance, will generate development beyond that contemplated by the 2009 general plan. The subsequent EIR’s objective is to evaluate buildout of the housing element and associated regulatory changes with the degree of specificity that corresponds to the degree of specificity in the proposed project (housing opportunities provided in the Housing Element Update) in order to streamline the environmental review process when development applications are received. CEQA and its corresponding Guidelines provide many opportunities to streamline environmental review for construction projects when such applications are submitted to the Town for review and processing.

The following alternatives to the project were considered:

1. Alternative 1 No Project (Residential Development Consistent with Existing General Plan and Zoning);
2. Alternative 2 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative); and
3. Alternative 3 20 Percent Buffer Alternative.

Each of these alternatives is described below, followed by an analysis of how each alternative may reduce impacts associated with the proposed project.

Alternative 1 - No Project (Residential Development Consistent with Existing General Plan and Zoning)

Under the No Project Alternative, no changes to the General Plan or Municipal Code would occur. No changes would be made to either the Housing Element, Land Use Element, Safety Element, or Municipal Code in order to meet the requirements of State law. Since adoption of the 2015 Housing Element, the Town has been issued a RHNA target by ABAG of 725 units and is required by State law to address its housing needs in an updated Housing Element. The Housing Element Update and Safety Element Update goals, policies, and programs, as well as the Land Use Element and Title 18 (Zoning Code) would not be updated to address the Town's housing needs under this alternative. The housing opportunity sites would retain their zoning designations. The Safety Element would not be updated to incorporate emergency access route information as required by various state laws that have passed since 2010.

The No Project Alternative would result in the continuation of existing conditions and planned development of Corte Madera. As noted in Section 3.0, Environmental Setting (see Table 3-2), of the Draft SEIR, existing land use designations and existing zoning would allow up to 300 residential units (or 378 units if a senior housing project were permitted for sites 1-5, 7, 8, 10, and 11) at the housing opportunity sites. The No Project Alternative, therefore, represents a decrease of either 583 or 505 units, or an approximately 65 percentage decrease, from the proposed project. No new significant environmental impacts, or an increased severity of environmental impacts above and beyond those impacts identified in the general plan EIR, would occur under this alternative because it would retain the current general plan land use designations and policy provisions addressing environmental impacts.

The No Project Alternative is the environmentally superior alternative. It would significantly reduce the proposed project's environmental impacts associated with visual resources and aesthetics, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, the No Project Alternative only partially meets the project objectives, as it would allow for up to 300 residential units though at a density and quantity that would not provide for adequate housing stock to accommodate the Town's growing housing needs for a range of income levels. The no project alternative would not meet the housing unit goals set out by the Town's RHNA for the 6th cycle as required by state law. In addition, this alternative would not provide a reasonable residential unit "buffer" of 20 percent above the Town's RHNA minimum target of 725 resulting in a total of 870 residential units. The No Project Alternative is not legally feasible and State law requires the Town to plan for a minimum number of housing units (725).

Alternative 2 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative)

Alternative 2, Residential Buildout Limited to Town's ABAG RHNA target (No Buffer Alternative), would result in the Town planning for a residential buildout equal to the Town's Regional Housing Needs Allocation (RHNA) target of 725 residential units (instead of the 883 units proposed) as provided by the Association of Bay Area Governments (ABAG) in December 2021 in its Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031. This alternative would alter the density permitted for each of the housing opportunity sites so that 600 residential units would be permitted in

addition to 125 units (ADUs & single-family homes) that are currently permitted by Town regulations and state law (totaling 725 residential units). This alternative would provide 158 fewer residential units (an 18 percent reduction) compared to the proposed project. This alternative assumes that the reduction of 158 units would be spread across the housing opportunity sites and possibly necessitate some modifications to the proposed general plan land use, zoning, and other municipal code amendments to adjust the density requirements for each site to accommodate less residential units.

Alternative 2 is considered to be the next environmentally superior alternative after Alternative 1. However, this alternative only partially meets the project objectives. The alternative would allow for adequate housing stock to accommodate the Town's growing housing needs for a range of income levels while still meeting the housing unit goals set out by the Town's RHNA. However, this alternative would not meet the project objective which sets a "buffer" of 20 percent above the RHNA target of 725 residential units.

The 20 percent buffer is essential because of the State's "No Net Loss Law" (Government Code Section 65863). This law ensures that development opportunities remain available throughout the planning period (i.e., the 6th housing cycle) to accommodate a jurisdiction's RHNA, especially for lower- and moderate-income households. Under the "No Net Loss Law," a jurisdiction must maintain adequate sites to accommodate its remaining unmet RHNA by each income category at all times through the entire planning period. In addition, the jurisdiction may not take any action to reduce a parcel's residential density unless it makes findings that the remaining sites identified in its Housing Element sites inventory can accommodate the jurisdiction's remaining unmet RHNA by each income category, or if it identifies additional sites so that there is no net loss of residential unit capacity. If a jurisdiction approves a development of a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, it must either make findings that the Housing Element's remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level, or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category. A jurisdiction may not disapprove a housing project on the basis that approval of the development would trigger the identification or zoning of additional adequate sites to accommodate the remaining RHNA (HCD 2019). In sum, if the Town does not have an adequate buffer, it may find itself obliged to make additional sites available for the RHNA shortfall, sites which are likely to be in short supply.

Alternative 3 20 Percent Buffer Alternative

Alternative 3, 20 Percent Buffer Alternative, proposes a reduction in the total residential unit of 883, as included in the proposed project to match the 20 percent residential buffer total of 870 (discussed above in Alternative 2 and in Section 4.0, Project Description, under "Housing Element Update Objectives" of the Draft SEIR) thus representing a reduction of 13 residential units or approximately 1.5 percent. However, instead of reducing the density permitted at each of the housing opportunity sites, this alternative would reduce one or more sites to reduce the number of residential units by 13.

Alternative 3 is considered the least environmentally superior alternative. Under Alternative 3, many of the project's environmental impacts would only be somewhat reduced. However, this alternative meets all project objectives as it would allow the Town to provide adequate housing stock to accommodate Corte Madera's housing needs for a range of income levels, including low and moderate-income households; meet the housing unit goals as set by the Town's Regional Housing Needs Allocation (RHNA); and provides a reasonable residential unit "buffer" of 20 percent above the RHNA minimum target of 725 resulting in a total of 870 residential units.

Environmentally Superior Alternative

The no project alternative is the environmentally superior alternative. It would significantly reduce the proposed project's environmental impacts associated with visual resources and aesthetics, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, the "no

project” alternative only partially meets the Town’s objectives, as it meets only a portion of the Town’s required RHNA.

CEQA Guidelines section 15126.6(e)(2) states that if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Alternative 2, the 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative), is considered to be the next environmentally superior alternative. This alternative would result in reduced impacts associated with visual resources and aesthetics, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, this alternative only partially meets the project objectives and would result in a decrease of 158 residential units (an 18 percent reduction). Additionally, Alternative 2 would also only just meet the Town’s RHNA without providing a buffer of at least 15 percent as recommended by HCD.

Alternative 3, the 20 Percent Buffer Alternative, is considered the least environmentally superior alternative. Under Alternative 3, many of the project’s environmental impacts would only be somewhat reduced including those impacts associated with visual resources and aesthetics, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, these impacts would not be reduced to the degree that Alternative 2 would reduce impacts given the scale of potential development being reduced (18 percent for Alternative 2 compared to 1.5 percent for Alternative 3). Alternative 3 does, however, meet all of the project’s objectives and Alternative 3 would result in a minimal decrease in residential units (13 units or 1.5 percent).

The Town Council hereby finds that Alternative 2, the 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative), is considered to be the next environmentally superior alternative after Alternative 1, No Project. While Alternative 2, would result in reduced impacts, this alternative would only partially meet the project objectives. The Town Council finds that Alternative 3, the 20 Percent Buffer Alternative, despite meeting all of the project objectives, is considered the least environmentally superior alternative as many of the project’s environmental impacts would only be somewhat reduced but not to the degree that Alternative 2 would reduce impacts. The data to support the substantial evidence to support these conclusions is found in the Alternatives Description and Analysis section of the Draft SEIR (Section 17.0).

Table 1: Findings of Fact for Impacts Avoided or Reduced with Incorporation of Mitigation

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
Visual Resources & Aesthetics		
Impact 5-1. The Proposed Project Would Have an Effect on Scenic Resources	5-1a Implementation Program LU-3.5.a: Infill Compliance. Pending the adoption of Design Guidelines, decision-making bodies for environmental and development review shall include findings determining that infill projects are in substantial compliance with General Plan infill development policies, including: 1. Reduces the	The Town Council hereby finds that requiring applicant(s) to reduce or prevent unnecessary effects on scenic resources with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR. (See Section 5.0 Visual Resources &

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>perception of visible bulk by minimizing the apparent height and size of buildings when located in a transitional land use area.</p> <p>2. Incorporates transitions in height and setbacks from adjacent properties to maintain development character and privacy.</p> <p>3. Incorporates natural and/or designed focal points, emphasized by pedestrian/pathway connections, respecting existing landforms, and physical and use boundary areas of adjoining properties.</p> <p>4. Minimizes the visual impacts of driveways, parking areas and garages through placement of such features and areas to the sides and rear of infill lots, away from public vantage points.</p> <p>5. Uses high quality building materials that are durable, non-toxic and resource efficient.</p> <p>The extent to which infill projects incorporate green building features and sustainability principles shall also be considered in environmental and development review.</p> <p>5-1b Policy CD-1.5. Preserve the value of the community's night sky and avoid unnecessary light and glare from signage, building and landscape illumination, or other sources of outdoor lighting.</p>	<p>Aesthetics, of the Draft SEIR)</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>5-1c Policy CD-4.7. Development standards shall be drafted to encourage flexible interpretation and application of development standards, to promote the use of innovative site planning and design solutions, and to facilitate renovation of existing commercial centers and mixed land use approaches.</p> <p>5-1d Policy H-3.1 Housing Design Principles. The intent in the design of new housing is to provide stable, safe, and attractive neighborhoods through high quality architecture, site planning, and amenities that address the following principals:</p> <p>a. Reduce the Perception of Building Bulk. In multi-unit buildings, require designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including the use of upper story step backs and landscaping.</p> <p>b. Recognize Existing Street Patterns. Incorporate transitions in height and setbacks from adjacent properties to ensure development character and privacy. Design new housing so that it relates to the existing street pattern and creates a sense of neighborliness with surrounding buildings.</p> <p>c. Enhance the "Sense of Place" by Incorporating Focal Areas. Design new housing around natural and/or designed focal points, emphasized</p>	

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>through direct pedestrian/pathway connections. Respect existing landforms, paying attention to boundary areas and effects on adjacent properties.</p> <p>d. Minimize the Visual Impact of Parking and Garages. Discourage designs in which garages dominate the public facade of the home (e.g., encourage driveways and garages to be located to the side of buildings and recessed, or along rear alleyways or below the building in some higher density developments).</p> <p>e. Use Quality Building Materials. Building materials should be high quality, long lasting, durable and energy efficient.</p> <p>5-1e Implementation Program H-3.1.b: Objective Development and Design Standards. Encourage and require pursuant to the Municipal Code multi-family housing projects to utilize the Objective Development and Design Standards in Title 22 and accompanying architectural standards in developing project designs.</p>	
<p>Impact 5-2. Height Increases Associated with Proposed Zoning at the Housing Opportunity Sites Would Substantially Alter the Allowed Height, Which Could Affect Scenic Quality</p>	<p>5-2a Implementation Program LU-3.5.a: Infill Compliance. Pending the adoption of Design Guidelines, decision-making bodies for environmental and development review shall include findings determining that infill projects are in substantial compliance with General Plan infill</p>	<p>The Town Council hereby finds that requiring applicant(s) to reduce or prevent unnecessary effects on scenic quality with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>development policies, including:</p> <ol style="list-style-type: none"> 1. Reduces the perception of visible bulk by minimizing the apparent height and size of buildings when located in a transitional land use area. 2. Incorporates transitions in height and setbacks from adjacent properties to maintain development character and privacy. 3. Incorporates natural and/or designed focal points, emphasized by pedestrian/pathway connections, respecting existing landforms, and physical and use boundary areas of adjoining properties. 4. Minimizes the visual impacts of driveways, parking areas and garages through placement of such features and areas to the sides and rear of infill lots, away from public vantage points. 5. Uses high quality building materials that are durable, non-toxic and resource efficient. <p>The extent to which infill projects incorporate green building features and sustainability principles shall also be considered in environmental and development review.</p> <p>5-2b Policy H-3.1 Housing Design Principles. The intent in the design of new housing is to provide stable, safe, and attractive neighborhoods</p>	<p>identified in the SEIR. (See Section 5.0 Visual Resources & Aesthetics, of the Draft SEIR)</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>through high quality architecture, site planning, and amenities that address the following principals:</p> <p>a. Reduce the Perception of Building Bulk. In multi-unit buildings, require designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including the use of upper story step backs and landscaping.</p> <p>b. Recognize Existing Street Patterns. Incorporate transitions in height and setbacks from adjacent properties to ensure development character and privacy. Design new housing so that it relates to the existing street pattern and creates a sense of neighborliness with surrounding buildings.</p> <p>c. Enhance the "Sense of Place" by Incorporating Focal Areas. Design new housing around natural and/or designed focal points, emphasized through direct pedestrian/pathway connections. Respect existing landforms, paying attention to boundary areas and effects on adjacent properties.</p> <p>d. Minimize the Visual Impact of Parking and Garages. Discourage designs in which garages dominate the public facade of the home (e.g., encourage driveways and garages to be located to the side of buildings and recessed, or along rear alleyways or below the building in some higher</p>	

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>density developments).</p> <p>e. Use Quality Building Materials. Building materials should be high quality, long lasting, durable and energy efficient.</p> <p>5-2c Implementation Program H-3.1.a: Incorporate Housing Design Principles into Design Review Process. Incorporate principles of good design from Policy H-3.1 into the Design Review process for multi-family housing. Utilize Title 22 and accompanying architectural standards for guidance.</p> <p>5-2d Implementation Program H-3.1.b: Objective Development and Design Standards. Encourage and require pursuant to the Municipal Code multi-family housing projects to utilize the Objective Development and Design Standards in Title 22 and accompanying architectural standards in developing project designs.</p>	
<p>Impact 5-3. The Proposed Project Would Introduce New Sources of Light and Glare at Housing Opportunity Sites</p>	<p>5-3a Policy CD-1.5. Preserve the value of the community’s night sky and avoid unnecessary light and glare from signage, building and landscape illumination, or other sources of outdoor lighting.</p> <p>5-3b Implementation Program CD-1.5.a: Reduce Lighting Levels. Revise the Zoning Ordinance and other appropriate sections of the Municipal Code to limit lighting levels, and to establish acceptable types of lighting,</p>	<p>The Town Council hereby finds that requiring applicant(s) to reduce or prevent unnecessary effects as a result of new sources of light and glare with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR.</p> <p>(See Section 5.0 Visual Resources & Aesthetics, of the Draft SEIR)</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>fixtures, and the location of lighting in relation to nearby properties. Include the following in the Design Guidelines to reduce lighting levels:</p> <ul style="list-style-type: none"> ▪ a requirement that outdoor lighting of nonresidential uses shall be designed to be turned off when not in use where security and safety are not a concern. ▪ When streetlights are located along the perimeter of the community Plan areas, overhead lighting shall be shielded to minimize lighting of adjacent properties. ▪ Roadway, commercial, and residential lighting shall be limited to the minimum amount needed for public safety and shall be designed to focus light where it is needed. ▪ Street light fixtures should be designed to block illumination of adjoining properties and to prohibit light emitted from the fixtures above the horizontal plane. 	
Air Quality		
<p>Impact 6-1. The Proposed Project may be Inconsistent with the 2017 Clean Air Plan</p>	<p>See Table 6-7, Potentially Applicable Control Measures (2017 Clean Air Plan), in Section 6.0, Air Quality.</p>	<p>The Town Council hereby finds that requiring applicant(s) to implement Applicable Control Measures from BAAQMD’s 2017 Clean Air Plan, where applicable, in accordance with the</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
		<p>specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR.</p> <p>(See Section 6.0 Air Quality, of the Draft SEIR)</p>
<p>Impact 6-3. Adverse Effects to Sensitive Receptors from Toxic Air Contaminants During Operations</p>	<p>6-1 Health risks will be evaluated and mitigated prior to issuance of residential permits located within the following overlay zones: 1,000 feet of 1) existing permitted stationary sources of Toxic Air Contaminants (TACs) that exceed air district thresholds, 2) U.S. Highway 101, or 3) for new development that would be a source of TACs within 1,000 feet of residences or sensitive receptors.</p> <p>6-2 Mitigation will include, but not be limited to, the provision of adequate buffer distances (based on recommendations and requirements of the California Air Resources Board and BAAQMD) or filters or other equipment or solutions to reduce exposure to acceptable levels may be required as determined by the health risk assessment.</p> <p>TAC emission control conditions of approval will be coordinated with BAAQMD best practices and required permit conditions to reduce exposures to TAC emissions and associated cancer risks</p>	<p>The Town Council hereby finds that requiring applicant(s) to implement TAC emission controls, where applicable, in accordance with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR.</p> <p>(See Section 6.0 Air Quality, of the Draft SEIR)</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	within these areas, and permit conditions required by BAAQMD.	
Biological Resources		
<p>Impact 7-1. Loss of Special-Status Plant Species or Their Habitats</p>	<p>7-1a. Policy RCS-6.2. Protect wetlands (as defined herein), other waters of the United States, and essential habitat for special status species, including, but not limited to, other wetland habitat areas, habitat corridors, and sensitive natural communities.</p> <p>a. Implementation Program RCS-6.2a: Resource Protection. Protect sensitive biological resources, including wetlands and other waters of the United States and other wetland habitat areas, and habitat corridors, and sensitive natural communities through environmental review of development applications in compliance with CEQA provisions, participation in comprehensive habitat management programs with other local and resource agencies, and continued acquisition and management of open space lands that provide for permanent protection of important natural habitats. Protect wetlands and other waters of the United States in accordance with the regulations of the U.S. Army Corps of Engineers and other appropriate agencies as well as consistent with Implementation Program RCS-8.2.a. Protect other habitat areas, habitat corridors, and sensitive natural</p>	<p>The Town Council hereby finds that requiring applicant(s) to protect wetlands and essential habitat for special-status species and incorporate measures to protect wetlands and special-status species, in accordance with the specifications set forth in the Mitigation Measures, is feasible. The Mitigation Measures have been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR.</p> <p>(See Section 7.0, Biological Resources, of the Draft SEIR)</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>communities consistent with program RCS-6.3.a</p> <p>b. Implementation Program RCS-6.2.b: Restoration Objectives. Where feasible (as defined under State CEQA Guidelines Section 15364), restore lost or damaged habitat. Support restoration objectives for local habitat types identified by the California Department of Fish and Game and in other regional environmental planning documents.</p> <p>7-1b. Policy RCS-6.3. Manage the development review process in compliance with CEQA provisions to promote resource conservation and sustainability.</p> <p>a. Implementation Program RCS-6.3.a: Environmental Review. Continue to require environmental review of development applications pursuant to CEQA to assess the impact of proposed development on species and habitat diversity, particularly special-status species, sensitive habitat areas, wetlands and other wetland habitats, and habitat connectivity. Require adequate mitigation measures for ensuring the protection of sensitive resources and achieving “no net loss” of sensitive habitat acreage, values and function. Require specific mitigation measures for wetlands and waters of the United States (see Implementation Program</p>	

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>RCS-8.2.a for mitigation standards for wetlands and waters of the U.S.).</p> <p>b. Implementation Program RCS-6.3.b: Early Agency Consultation. Require early consultation with all trustee agencies and agencies with review authority pursuant to CEQA for projects in areas supporting special-status species, sensitive natural communities or wetlands that may be adversely affected by development.</p> <p>7-1c. RCS-7.1 Promote resource conservation, restoration and enhancement in areas containing important habitat, wetlands and special-status species.</p> <p>a. Implementation Program RCS-7.1.a: Protect Biodiversity. Protect areas known to support a high degree of biological diversity and that may contain species known to be rare or protected under the State or Federal Endangered Species Acts. These include the Town's tidal wetlands, freshwater wetlands and hillside oak woodlands.</p> <p>b. The Town will identify the location, habitat, and buffer needs of species listed for protection. The Town will maintain, for public uses, generalize maps showing known locations of listed species.</p> <p>Include standards in the updated Zoning Ordinance limiting development within these areas, and limiting public access to particularly</p>	

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>sensitive habitats that contain species known to be rare or protected.</p> <p>7-1d. Policy RCS-7.2. Retain sensitive habitat areas and restore to their natural state, where feasible, and protect from inappropriate development and landscaping.</p> <p>a. Implementation Program RCS-7.2.a: Environmental Assessment. Require applicants to provide an environmental assessment in compliance with CEQA provisions for development proposed on sites that may contain sensitive biological or wetland resources including jurisdictional wetlands, waters of the United States, and other wetland habitats. Require the assessment to be conducted by a qualified professional to determine the presence of any sensitive resources, to assess the potential impacts, and to identify measures for protecting the resource and surrounding habitat (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S. See Implementation Program RCS- 6.3.a) for mitigation standards for other wetland habitat areas).</p> <p>b. Implementation Program RCS-7.2.c: Limit Impacts As part of the development review process, restrict or modify proposed development in areas that contain essential habitat for special-status species,</p>	

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>sensitive habitat areas or wetlands as necessary to ensure the continued health and survival of these species and sensitive areas.</p> <p>Development projects preferably shall be modified to avoid impacts on sensitive resources, or impacts shall be mitigated by providing on-site or (as a lowest priority) off-site replacement (see Implementation Program RCS-8.2.a for mitigation standards for jurisdictional wetlands and waters of the U.S. See Implementation Program RCS-6.3.a for mitigation standards for other wetland habitat areas).</p> <p>7-1e. Policy RCS-7.5. Require use of native plant species in landscaping plans and reduce spread of invasive species.</p> <p>a. Implementation Program RCS-7.5.a: Landscape Plans. Prepare lists of appropriate native landscape species and inappropriate invasive exotic species for use by property owners in developing landscape plans or enhancing existing landscaping, and include in the Design Guidelines. Prepare the lists with input from the California Department of Fish and Game, Agricultural Commissioner, University of California Cooperative Extension, California Native Plant Society, and other appropriate sources to verify suitability. Provide educational materials</p>	

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>with information on how to care for plants included in the lists of appropriate native landscape species.</p> <p>b. Implementation Program RCS-7.5.b: Landscaping Requirements As part of the discretionary review of proposed development, prohibit the use of highly invasive species in landscaping and require the removal of invasive exotic species. Require use of native or compatible nonnative plant species indigenous to the site vicinity as part of the discretionary review of project landscaping. Additionally, require that landscaping improvements for community parks, trails, and other public areas include the use of native plant materials and species that recognize and enhance the natural resource setting of the Town.</p> <p>c. Implementation Program RCS-7.5.c: Invasive Species Removal. Work with public and private landowners to make attempts to contain and prevent the spread of highly invasive and noxious weeds. Cooperate with Marin Municipal Water District's vegetation control activities along the urban/wildland boundary.</p>	
<p>Impact 7-2. Loss of Special-Status Wildlife Species or Their Habitats</p>	<p>Mitigation Measures 7-1a, 7-1b, 7-1c, 7-1d, and 7-1e discussed above.</p>	<p>The Town Council hereby finds that requiring the applicant to ensure that no net loss of special-status wildlife species or their habitats occurs, and incorporate measures into the Project, in accordance with the specifications set forth in the Mitigation Measures, is feasible. The</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
		<p>Mitigation Measures have been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR.</p> <p>(See Section 7.0, Biological Resources, of the Draft SEIR)</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
<p>Impact 7-3. Disturbance or Fill of Protected Wetlands and Sensitive Natural Communities</p>	<p>7-3a. Policy RCS-8.1. Protect wetlands through careful environmental review of proposed development applications.</p> <p>a. Implementation Program RCS 8.1.a: Wetland Data. Pursuant to CEQA, when sites with potential wetlands (as defined herein), other waters of the U.S., or other wetland habitat areas are proposed for development, require detailed assessments to demonstrate compliance with State and Federal regulations. Assessments shall be conducted by a qualified professional retained by the Town to determine wetland boundaries and the presence of sensitive resources including endangered and special status species and their habitat, to assess the potential impacts, and to identify measures for protecting the resource and surrounding buffer habitat. Assessments will delineate and map jurisdictional wetlands, waters of the United States, other wetland habitat areas open-water habitats, and upland habitats and will make recommendations for avoidance. Delineation studies shall be submitted to the U.S. Army Corps of Engineers and other resource agencies to determine the boundaries of wetlands and waters of the United States.</p> <p>b. Implementation Program RCS 8.1.b: Wetland Avoidance. Restrict or modify proposed development in areas</p>	<p>The Town Council hereby finds that requiring the applicant to conduct site-specific jurisdictional delineations and incorporate mitigation measures into individual projects to ensure no net loss of jurisdictional waters or wetlands, in accordance with the specifications set forth in the Mitigation Measures, is feasible. The Mitigation Measures have been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR.</p> <p>(See Section 7.0, Biological Resources, of the Draft SEIR)</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>that contain wetlands as defined herein or waters of the United States, as necessary to ensure the continued health and survival of special status species and sensitive habitat areas. Development projects shall preferably be modified to avoid impacts on sensitive resources, or to adequately mitigate impacts by providing on-site replacement or (as a lowest priority) off-site replacement at a higher ratio. Modification in project design shall include adequate avoidance measures to ensure that no net loss of wetland acreage, function, water quality protection, and habitat value occurs. This may include the use of setbacks, buffers, and water quality drainage control features, or other measures to maintain existing habitat and hydrologic functions of retained wetlands and waters of the U.S. (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S. See Implementation Program RCS-6.3.a for mitigation standards for other wetland habitat areas).</p> <p>c. Implementation Program RCS 8.1.c: Wetland Permits. The Town shall require the project proponent to obtain all necessary permits pertaining to affected waters of the United States, including wetland habitat and stream channel and pond habitat regulated by the California Department of Fish and Game</p>	

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>and/or the San Francisco Bay Regional Water Quality Control Board prior to construction. Grading or other construction activities within streambeds or ponds may require streambed alteration agreements from the California Department of Fish and Game. Discharge of fill into waters of the United States will require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers and Clean Water Act Section 401 certification from the San Francisco Bay Regional Water Quality Control Board. The permitting process will also require compensation for construction impacts (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S.).</p> <p>7-3b. Policy RCS-8.2. Establish and implement criteria to mitigate wetland (as defined herein) losses.</p> <p>a. Implementation Program RCS-8.2.a: Wetland Mitigation. Where complete avoidance of wetlands and waters of the United States due to filling is not feasible (as defined under State CEQA Guidelines Section 15364), require provision of replacement habitat on-site through restoration and/or habitat creation at a minimum 2:1 ratio that would ensure no net loss of wetland acreage, function, water quality protection, and habitat values</p>	

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	occurs. Allow restoration of wetlands off-site only when an applicant has demonstrated that no net loss of wetlands would occur and that on-site restoration is not feasible. Off-site wetland mitigation preferably will consist of the same habitat type as the wetland area that would be lost.	
Impact 7-4. Disturbance or Removal of Protected Trees	<p>7-4. Policy RCS-7.4. Protect woodland and tree resources.</p> <p>a. Implementation Program RCS-7.4.a: Tree Protection. Protect large native trees, trees with historical importance, oak woodlands, and forest habitats, and prevent the untimely removal of trees through implementation of standards in the Town's Municipal Code. Evaluate tree protection standards as part of the project to develop Design Guidelines and update the Tree Ordinance accordingly.</p>	<p>The Town Council hereby finds that requiring applicant(s) to protect woodland and tree resources, in accordance with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR.</p> <p>(See Section 7.0, Biological Resources, of the Draft SEIR)</p>
Impact 7-5. Interference with Movement of Wildlife Species or with Established Wildlife Corridors	<p>7-5. Policy RCS-6.7. Protect migratory corridors.</p> <p>a. Implementation Program RCS-6.7a: Migratory Corridors. Condition approval of development proposals to assure that movement corridors for migratory fish and wildlife species are maintained. Coordinate with Marin County and adjoining jurisdictions, and federal and state agencies such as CalTrans, to assure regional connectivity of open space and wildlife corridors.</p>	<p>The Town Council hereby finds that requiring applicant(s) to protect migratory corridors, in accordance with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR.</p> <p>(See Section 7.0, Biological Resources, of the Draft SEIR)</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
Noise		
Impact 10-1. Traffic Would Result in an Increase in Ambient Noise Levels	10-1 Policy PSH-4.1. New commercial, residential, and office development and redevelopment projects along the freeway frontage shall include evaluations of methods to reduce Highway 101-related noise impacts. Implementation Program PSH-4.1a: Noise Studies Along 101. Require noise studies for new commercial, residential, and office development along Highway 101, and implement noise attenuation measures. These studies shall be based on traffic volumes commensurate with cumulative build-out conditions within the area and compliance with standards prescribed within the Noise section of the Public Safety and Hazards chapter of the General Plan.	The Town Council hereby finds that requiring applicant(s) to perform noise studies for new commercial, residential, and office development along Highway 101, and implement noise attenuation measures, in accordance with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR. (See Section 10.0, Noise, of the Draft SEIR)
Impact 10-2. Increases in Noise Associated with Stationary (or non-Transportation) Noise Sources Located Near Sensitive Noise Receptors	10-2a Policy PSH-5.3. Any Town-required acoustical analysis shall be prepared according to specific standards and practices. Implementation Measure PSH – 5.3.a: Acoustics Analysis. An acoustical analysis may be required by the Town for development projects that are deemed to possibly result in violation of the noise standards outlined in Policies PSH-5.1 and 5.2, above, either in terms of a noise impact created by the new development that could affect nearby properties, or if the new development may be	The Town Council hereby finds that requiring applicant(s) to prepare an acoustical analysis for future residential development projects, in accordance with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR. (See Section 10.0, Noise, of the Draft SEIR)

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>impacted by existing noise sources in the community. Additionally, a noise analysis may be required pursuant to Policy PSH 6.1, below, regarding project proximity to noise sensitive receptors.</p> <p>Where an acoustical analysis is required by the Town, it shall be prepared in accordance with the following provisions:</p> <ul style="list-style-type: none"> ▪ Applicant has the financial responsibility (with the study to be administered by the Town). ▪ Must be prepared by qualified persons experienced in the fields of environmental noise assessment and architectural acoustics. ▪ Include representative noise-level measurements with sufficient sampling periods and locations to adequately describe local conditions. ▪ Estimate existing and projected (cumulative) noise levels in terms of Town noise standards. ▪ Recommend appropriate project-level noise mitigation measures. Where the noise source in question consists of intermittent single 	

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>events, the report must address the effects of maximum noise levels in sleeping rooms evaluating possible sleep disturbance.</p> <ul style="list-style-type: none"> ▪ Estimate interior and exterior noise exposure after the prescribed mitigations are implemented. ▪ Describe the post-project assessment program which could be used to evaluate the effectiveness of the proposed mitigations. <p>10-2b Policy PSH-6.1. Reduce noise impacts to sensitive receptors.</p> <p>Implementation Program PSH-6.1.a: Perform Noise Analyses. Require site-specific noise analyses where noise sensitive land uses are proposed in proximity to sensitive noise sources (such as residences, schools, nursing homes, hospitals and day care operations), or where similar sources are proposed to be located near noise-sensitive land uses. Noise mitigation shall be included where results of the study warrant such actions.</p>	
<p>Impact 10-3. Construction Activities Would Result in a Temporary Noise Increase</p>	<p>10-3 Future construction activities associated with any development on the 11 housing opportunity sites, shall be required to implement and comply with the Town of Corte Madera Municipal Code Chapter 9.36.030(b), which sets time limits for</p>	<p>The Town Council hereby finds that requiring applicant(s) to implement and comply with the Town of Corte Madera Municipal Code Section 9.36.030(b), which sets time limits for construction activities, as well as implement muffler requirements in accordance with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>construction activities (except for federal holidays) from Monday-Friday between 7:00 a.m. and 5:00 p.m. and Saturday and Sunday from 10:00 a.m. to 5:00 p.m. In addition, future construction activities will be required to comply with the following general plan implementation program:</p> <p>Implementation Program PSH – 5.7.b: Muffler Requirements. All internal combustion engines used in conjunction with construction shall be muffled according to the equipment manufacturer’s requirements.</p> <p>Town Planning and Public Works staff shall ensure construction noise reduction measures are established prior to issuance of all building permits.</p>	<p>Measure has been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR.</p> <p>(See Section 10.0, Noise, of the Draft SEIR)</p>
Public Services		
<p>Impact 11-1. Increased Demand for Fire Protection and Emergency Medical Services Could Result in Adverse Physical Impacts</p>	<p>11-1 For development applications or preliminary applications submitted before the Town has updated its public safety impact fee schedule: the Town will obtain from public safety agencies an objective formula for calculating the cost of new or expanded facilities attributable to new development (“Public Safety Impact Formulae”). Using that formula, the Town will impose a condition of approval providing that, prior to obtaining a building permit, the applicant will pay impact fees calculated according to the Public Safety Impact</p>	<p>The Town Council hereby finds that requiring applicant(s) to pay impact fees calculated according to the Public Safety Impact Formulae, in accordance with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR.</p> <p>(See Section 11.0, Public Services, of the Draft SEIR)</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	Formulae. The forgoing shall not apply where the Town has updated its public safety impact fee schedule before the applicant applies for a building permit, in which event the applicant will pay the fees determined by said schedule.	
Impact 11-2. Increased Demand for Recreation Opportunities Could Result in Adverse Physical Impacts on Parks and Recreational Facilities	11-2 Individual development projects shall be required to provide recreational amenities with redevelopment of the site prior to the approval of a planning application.	The Town Council hereby finds that requiring applicant(s) to provide recreational amenities, in accordance with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR. (See Section 11.0, Public Services, of the Draft SEIR)
Utilities		
Impact 12-1. Increase Demand for Water of Approximately 273,000 Gallons per Day and may Require Construction of New or Expanded Water Facilities	12-1 Individual development projects that are proposed prior to approval of an updated Marin Water Urban Water Management Plan that accommodates the 6th Cycle Housing Element RHNA, shall be required to obtain verification from Marin Water prior to approval of planning applications that adequate water supplies exist to support the project. 12-2 General Plan Policy LU-6.11 Ensure adequate provision of water supply and treatment to Town residents and businesses. 12-3 General Plan Policy LU-6.12 Encourage conservation of water	The Town Council hereby finds that requiring applicant(s) to obtain verification from Marin Water that adequate water supplies exist to support their project in accordance with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR. (See Section 12.0, Utilities, of the Draft SEIR)

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>resources throughout the Town.</p> <p>12-4 General Plan Policy RCS-5.1 Minimize waste through reducing, reusing, and recycling. Encourage reduced consumption of non-renewable resources by expanding choices for using and reusing materials, energy, and water in an efficient manner.</p>	
<p>Impact 12-2. Relocation or Construction of New or Expanded Water Connection Facilities for Individual Projects Could Have Environmental Effects</p>	<p>Applicable mitigation measures as presented throughout the Draft SEIR.</p>	<p>The Town Council hereby finds that requiring applicant(s) to comply with applicable mitigation measures addressing impacts associated with the relocation or construction of new or expanded water connection facilities in accordance with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR.</p> <p>(See Section 12.0, Utilities, of the Draft SEIR)</p>
<p>Impact 12-3. Increase Wastewater Generation and Require Relocation or Construction of New or Expanded Wastewater Facilities</p>	<p>12-5 Individual development projects that are proposed prior to approval of an updated Sanitary District No. 2 of Marin County Sewer Master Plan that accommodates the 6th Cycle Housing Element housing numbers, shall be required to obtain verification from the sanitary district and Central Marin Sanitation Agency prior to approval of planning applications that adequate capacity exists to support the project.</p>	<p>The Town Council hereby finds that requiring applicant(s) to obtain verification from the sanitary district and Central Marin Sanitation Agency that adequate wastewater capacity exist to support their project in accordance with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR.</p> <p>(See Section 12.0, Utilities, of the Draft</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
		SEIR)
Tribal Cultural Resources		
<p>Impact 13-1. Development of One or More of the Housing Opportunity Sites Could Result in a Significant Adverse Effect on a Tribal Cultural Resource</p>	<p>13-1 Prior to approval of housing projects pursuant to the 6th Cycle Housing Element, the Town of Corte Madera will offer consultation to the Federated Indians of Graton Rancheria with each proposed housing project in the 6th Cycle Housing Element. Consultation may result in mitigation measures beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.</p> <p>13-2 Prior to approval of housing projects pursuant to the 6th Cycle Housing Element, for project sites that that are not completely developed and original surface soils are visible, an archaeological inspection and archaeological records search shall be required prior to approval of the project. The archaeological inspection and records search may result in mitigation measures beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.</p> <p>13-3 Prior to approval of a demolition permit for housing projects pursuant to the 6th Cycle Housing Element, for project sites that are completely developed, a</p>	<p>The Town Council hereby finds that Town staff conducting Tribal consultation and requiring applicant(s) to prevent and mitigate for significant adverse effects on tribal cultural resources in accordance with the specifications set forth in the Mitigation Measure, is feasible. The Mitigation Measure has been adopted. The Town Council further finds that changes or alterations will be required, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the SEIR.</p> <p>(See Section 13.0, Tribal Cultural Resources, of the Draft SEIR)</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>qualified archaeologist shall conduct a records search to determine the presence of known archaeological resources at the site or in the vicinity. The archaeological records search may result in mitigation measures beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.</p> <p>13-4 Prior to approval of housing projects pursuant to the 6th Cycle Housing Element, if the housing project site contains buildings or structures that meet the minimum age requirement, prior to commencement of project activities, this resource shall be assessed by a professional familiar with the architecture and history of Marin County. If the structure or structures are determined to be significant, and the housing project would result in a significant impact to that significant structure, preparation of an EIR would be required.</p> <p>13-5 If potential archaeological resources are uncovered, work shall be halted within 50 feet of the discovery. Construction workers shall avoid altering the materials and their context. Project personnel shall not collect cultural materials. Prehistoric materials might include obsidian and/or chert flaked-stone tools such as</p>	

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>projectile points, knives, or scraping implements; the debris from making, sharpening, and using them (“debitage”); culturally darkened soil containing shell, dietary bone, heat-altered rock, and carbonized plant material (“midden”); or stone milling equipment such as mortars, pestles, handstones, or milling slabs. 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. Avoidance of impacts to the resource are preferable. 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</p>	

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>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 the historic resources or unique archaeological resources is being carried out.</p> <p>13-6 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 § 5097.9 and Health and Safety Code § 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,</p>	

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p>13-7 Identified cultural resources shall be recorded on DPR 523 historic resource recordation forms, prior to issuance of a building permit.</p>	
Transportation		
<p>Impact 14-1. Generate Home-Based VMT per Resident that is Greater than 85 Percent of the Regional Average Home-Based VMT per Resident</p>	<p>14-1 Residential projects pursuant to the 6th Cycle Housing Element Update shall submit a residential travel demand management plan (TDM), which shall include but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below and final VMT reduction measure(s) selected by future developers of the housing opportunity sites shall be subject to the review and approval of the Town’s Planning & Building Director prior to the issuance of a building permit:</p> <ul style="list-style-type: none"> ▪ Unbundle parking costs (i.e., sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent 	<p>The Town Council hereby finds that by requiring applicant(s) to prepare and submit a residential travel demand management plan (TDM), in accordance with the specifications set forth in the Mitigation Measures, is feasible. The Mitigation Measures have been adopted. The Town Council further finds that changes or alterations will be required in, or incorporated into the Project, which would avoid or substantially lessen the significant environment effect, as identified in the EIR.</p> <p>(See Section 14.0, Transportation, of the Draft SEIR)</p>

Environmental Impact	Mitigation Measure(s) Reducing Impact to Less than Significant	Findings of Fact
	<p>reduction in GHG from VMT per the CAPCOA Handbook.</p> <ul style="list-style-type: none"> ▪ Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs. ▪ Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook. ▪ Integrate affordable and below market rate housing. Effectiveness: up to 28.6 percent reduction in GHG from VMT per the CAPCOA Handbook. 	

Attachments:

1. Exhibit B : Mitigation Monitoring and Reporting Program

EXHIBIT B TO ATTACHMENT 1
MITIGATION MONITORING AND REPORTING PROGRAM

Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update Mitigation Monitoring and Reporting Program

Introduction

CEQA Guidelines Section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures are implemented.

Monitoring and Reporting Program

The basis for this monitoring program is the mitigation measures included in the project environmental impact report. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. The Town of Corte Madera has agreed to implement the mitigation measures as required, before, during, and after implementation of the proposed project.

The attached table will assist with monitoring the implementation of the mitigation measures. This monitoring checklist contains all appropriate mitigation measures in the environmental impact report.

**Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Monitoring Compliance Record (Name/Date)
Visual Resources & Aesthetics			
<p>5-1a Implementation Program LU-3.5.a: Infill Compliance. Pending the adoption of Design Guidelines, decision-making bodies for environmental and development review shall include findings determining that infill projects are in substantial compliance with General Plan infill development policies, including:</p> <ol style="list-style-type: none"> 1. Reduces the perception of visible bulk by minimizing the apparent height and size of buildings when located in a transitional land use area. 2. Incorporates transitions in height and setbacks from adjacent properties to maintain development character and privacy. 3. Incorporates natural and/or designed focal points, emphasized by pedestrian/pathway connections, respecting existing landforms, and physical and use boundary areas of adjoining properties. 4. Minimizes the visual impacts of driveways, parking areas and garages through placement of such features and areas to the sides and rear of infill lots, away from public vantage points. 5. Uses high quality building materials that are durable, non-toxic and resource efficient. <p>The extent to which infill projects incorporate green building features and sustainability principles shall also be considered in environmental and development review.</p>	Town of Corte Madera	Verify individual projects are in substantial compliance with this policy during application review and include findings in final approval documentation.	
<p>5-1b Policy CD-1.5. Preserve the value of the community's night sky and avoid unnecessary light and glare from signage, building and landscape illumination, or other sources of outdoor lighting.</p>	Town of Corte Madera	Verify policy consistency in project plans prior to project approval.	
<p>5-1c Policy CD-4.7. Development standards shall be drafted to encourage flexible interpretation and application of development standards, to promote the use of innovative site planning and design solutions, and to</p>	Town of Corte Madera	Once adopted, verify policy consistency in project plans prior to project approval	

<p>facilitate renovation of existing commercial centers and mixed land use approaches.</p>			
<p>5-1d Policy H-3.1 Housing Design Principles. The intent in the design of new housing is to provide stable, safe, and attractive neighborhoods through high quality architecture, site planning, and amenities that address the following principals:</p> <ul style="list-style-type: none"> a. Reduce the Perception of Building Bulk. In multi-unit buildings, require designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including the use of upper story step backs and landscaping. b. Recognize Existing Street Patterns. Incorporate transitions in height and setbacks from adjacent properties to ensure development character and privacy. Design new housing so that it relates to the existing street pattern and creates a sense of neighborliness with surrounding buildings. c. Enhance the "Sense of Place" by Incorporating Focal Areas. Design new housing around natural and/or designed focal points, emphasized through direct pedestrian/pathway connections. Respect existing landforms, paying attention to boundary areas and effects on adjacent properties. d. Minimize the Visual Impact of Parking and Garages. Discourage designs in which garages dominate the public facade of the home (e.g., encourage driveways and garages to be located to the side of buildings and recessed, or along rear alleyways or below the building in some higher density developments). e. Use Quality Building Materials. Building materials should be high quality, long lasting, durable and energy efficient. 	<p>Town of Corte Madera</p>	<p>Verify consistency with design principles in project plans prior to project approval.</p>	
<p>5-1e Implementation Program H-3.1.b: Objective Development and Design Standards. Encourage and require pursuant to the Municipal Code multi-family housing projects to utilize the Objective Development and Design Standards in Title 22 and accompanying architectural standards in developing project designs.</p>	<p>Town of Corte Madera</p>	<p>Verify consistency with design standards in project plans prior to project approval.</p>	
<p>5-2c Implementation Program H-3.1.a: Incorporate Housing Design Principles into Design Review Process. Incorporate principles of good design from Policy H-3.1 into the Design Review process for multi-family housing. Utilize Title 22 and accompanying architectural standards for guidance.</p>	<p>Town of Corte Madera</p>	<p>Verify consistency with design principles in project plans prior to project approval.</p>	

<p>5-3a Policy CD-1.5. Preserve the value of the community's night sky and avoid unnecessary light and glare from signage, building and landscape illumination, or other sources of outdoor lighting.</p>	Town of Corte Madera	Verify policy consistency in project plans prior to project approval	
<p>5-3b Implementation Program CD-1.5.a: Reduce Lighting Levels. Revise the Zoning Ordinance and other appropriate sections of the Municipal Code to limit lighting levels, and to establish acceptable types of lighting, fixtures, and the location of lighting in relation to nearby properties. Include the following in the Design Guidelines to reduce lighting levels:</p> <ul style="list-style-type: none"> ▪ a requirement that outdoor lighting of nonresidential uses shall be designed to be turned off when not in use where security and safety are not a concern. ▪ When streetlights are located along the perimeter of the community Plan areas, overhead lighting shall be shielded to minimize lighting of adjacent properties. ▪ Roadway, commercial, and residential lighting shall be limited to the minimum amount needed for public safety and shall be designed to focus light where it is needed. ▪ Street light fixtures should be designed to block illumination of adjoining properties and to prohibit light emitted from the fixtures above the horizontal plane. 	Town of Corte Madera	Verify consistency with design principles in project plans prior to project approval	
Air Quality			
<p>6-1 Health risks will be evaluated and mitigated prior to issuance of residential permits located within the following overlay zones: 1,000 feet of 1) existing permitted stationary sources of Toxic Air Contaminants (TACs) that exceed air district thresholds, 2) U.S. Highway 101, or 3) for new development that would be a source of TACs within 1,000 feet of residences or sensitive receptors.</p>	Town of Corte Madera	Prior to issuance of residential permits located within identified overlay zones.	
<p>6-2 Mitigation will include, but not be limited to, the provision of adequate buffer distances (based on recommendations and requirements of the California Air Resources Board and BAAQMD) or filters or other equipment or solutions to reduce exposure to acceptable levels may be required as determined by the health risk assessment.</p> <p>TAC emission control conditions of approval will be coordinated with BAAQMD best practices and required permit conditions to reduce exposures</p>	Town of Corte Madera	Prior to issuance of residential permits.	

<p>to TAC emissions and associated cancer risks within these areas, and permit conditions required by BAAQMD.</p>			
Biological Resources			
<p>7-1a. Policy RCS-6.2. Protect wetlands (as defined herein), other waters of the United States, and essential habitat for special status species, including, but not limited to, other wetland habitat areas, habitat corridors, and sensitive natural communities.</p> <p>a. Implementation Program RCS-6.2a: Resource Protection Protect sensitive biological resources, including wetlands and other waters of the United States and other wetland habitat areas, and habitat corridors, and sensitive natural communities through environmental review of development applications in compliance with CEQA provisions, participation in comprehensive habitat management programs with other local and resource agencies, and continued acquisition and management of open space lands that provide for permanent protection of important natural habitats. Protect wetlands and other waters of the United States in accordance with the regulations of the U.S. Army Corps of Engineers and other appropriate agencies as well as consistent with Implementation Program RCS-8.2.a. Protect other habitat areas, habitat corridors, and sensitive natural communities consistent with program RCS-6.3.a</p> <p>b. Implementation Program RCS-6.2.b: Restoration Objectives. Where feasible (as defined under State CEQA Guidelines Section 15364), restore lost or damaged habitat. Support restoration objectives for local habitat types identified by the California Department of Fish and Game and in other regional environmental planning documents.</p>	<p>Town of Corte Madera</p>	<p>Verify in construction documents prior to issuing building permit.</p> <p>Conduct training prior to start of construction.</p> <p>Monitor as necessary during construction.</p>	
<p>7-1b. Policy RCS-6.3. Manage the development review process in compliance with CEQA provisions to promote resource conservation and sustainability.</p> <p>a. Implementation Program RCS-6.3.a: Environmental Review Continue to require environmental review of development applications pursuant to CEQA to assess the impact of proposed development on species and habitat diversity, particularly special-status species, sensitive habitat areas, wetlands and other wetland habitats, and habitat connectivity. Require adequate mitigation measures for ensuring the protection of sensitive resources and achieving “no net loss” of sensitive habitat acreage, values and function. Require specific mitigation measures for</p>	<p>Town of Corte Madera</p>	<p>Verify in construction documents prior to issuing building permit.</p> <p>Conduct pre-construction surveys within one week prior to start of construction, if necessary.</p> <p>Conduct training prior to start of construction.</p> <p>Monitor as necessary during construction.</p>	

<p>wetlands and waters of the United States (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S.).</p> <p>b. Implementation Program RCS-6.3.b: Early Agency Consultation. Require early consultation with all trustee agencies and agencies with review authority pursuant to CEQA for projects in areas supporting special-status species, sensitive natural communities or wetlands that may be adversely affected by development.</p>			
<p>7-1c. RCS-7.1 Promote resource conservation, restoration and enhancement in areas containing important habitat, wetlands and special-status species.</p> <p>a. Implementation Program RCS-7.1.a: Protect Biodiversity. Protect areas known to support a high degree of biological diversity and that may contain species known to be rare or protected under the State or Federal Endangered Species Acts. These include the Town’s tidal wetlands, freshwater wetlands and hillside oak woodlands.</p> <p>b. The Town will identify the location, habitat, and buffer needs of species listed for protection. The Town will maintain, for public uses, generalize maps showing known locations of listed species.</p> <p>Include standards in the updated Zoning Ordinance limiting development within these areas, and limiting public access to particularly sensitive habitats that contain species known to be rare or protected.</p>	Town of Corte Madera	<p>Verify in construction documents prior to issuing building permit.</p> <p>Conduct pre-construction surveys within one week prior to start of construction, if necessary.</p> <p>Monitor as necessary during construction.</p>	
<p>7-1d. Policy RCS-7.2. Retain sensitive habitat areas and restore to their natural state, where feasible, and protect from inappropriate development and landscaping.</p> <p>a. Implementation Program RCS-7.2.a: Environmental Assessment. Require applicants to provide an environmental assessment in compliance with CEQA provisions for development proposed on sites that may contain sensitive biological or wetland resources including jurisdictional wetlands, waters of the United States, and other wetland habitats. Require the assessment to be conducted by a qualified professional to determine the presence of any sensitive resources, to assess the potential impacts, and to identify measures for protecting the resource and surrounding habitat (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S. See Implementation Program RCS- 6.3.a) for mitigation standards for other wetland habitat areas).</p>	Town of Corte Madera		

<p>b. Implementation Program RCS-7.2.c: Limit Impacts As part of the development review process, restrict or modify proposed development in areas that contain essential habitat for special-status species, sensitive habitat areas or wetlands as necessary to ensure the continued health and survival of these species and sensitive areas. Development projects preferably shall be modified to avoid impacts on sensitive resources, or impacts shall be mitigated by providing on-site or (as a lowest priority) off-site replacement (see Implementation Program RCS-8.2.a for mitigation standards for jurisdictional wetlands and waters of the U.S. See Implementation Program RCS-6.3.a for mitigation standards for other wetland habitat areas).</p>			
<p>7-1e. Policy RCS-7.5. Require use of native plant species in landscaping plans and reduce spread of invasive species.</p> <p>a. Implementation Program RCS-7.5.a: Landscape Plans. Prepare lists of appropriate native landscape species and inappropriate invasive exotic species for use by property owners in developing landscape plans or enhancing existing landscaping, and include in the Design Guidelines. Prepare the lists with input from the California Department of Fish and Game, Agricultural Commissioner, University of California Cooperative Extension, California Native Plant Society, and other appropriate sources to verify suitability. Provide educational materials with information on how to care for plants included in the lists of appropriate native landscape species.</p> <p>b. Implementation Program RCS-7.5.b: Landscaping Requirements As part of the discretionary review of proposed development, prohibit the use of highly invasive species in landscaping and require the removal of invasive exotic species. Require use of native or compatible nonnative plant species indigenous to the site vicinity as part of the discretionary review of project landscaping. Additionally, require that landscaping improvements for community parks, trails, and other public areas include the use of native plant materials and species that recognize and enhance the natural resource setting of the Town.</p> <p>c. Implementation Program RCS-7.5.c: Invasive Species Removal. Work with public and private landowners to make attempts to contain and prevent the spread of highly</p>	<p>Town of Corte Madera</p>	<p>Review and verify landscape plans comply with City Policy prior to issuing building permit.</p>	

<p>invasive and noxious weeds. Cooperate with Marin Municipal Water District's vegetation control activities along the urban/wildland boundary.</p>			
<p>7-3a. Policy RCS-8.1. Protect wetlands through careful environmental review of proposed development applications.</p> <p>a. Implementation Program RCS 8.1.a: Wetland Data. Pursuant to CEQA, when sites with potential wetlands (as defined herein), other waters of the U.S., or other wetland habitat areas are proposed for development, require detailed assessments to demonstrate compliance with State and Federal regulations. Assessments shall be conducted by a qualified professional retained by the Town to determine wetland boundaries and the presence of sensitive resources including endangered and special status species and their habitat, to assess the potential impacts, and to identify measures for protecting the resource and surrounding buffer habitat. Assessments will delineate and map jurisdictional wetlands, waters of the United States, other wetland habitat areas open-water habitats, and upland habitats and will make recommendations for avoidance. Delineation studies shall be submitted to the U.S. Army Corps of Engineers and other resource agencies to determine the boundaries of wetlands and waters of the United States.</p> <p>b. Implementation Program RCS 8.1.b: Wetland Avoidance. Restrict or modify proposed development in areas that contain wetlands as defined herein or waters of the United States, as necessary to ensure the continued health and survival of special status species and sensitive habitat areas. Development projects shall preferably be modified to avoid impacts on sensitive resources, or to adequately mitigate impacts by providing on-site replacement or (as a lowest priority) off-site replacement at a higher ratio. Modification in project design shall include adequate avoidance measures to ensure that no net loss of wetland acreage, function, water quality protection, and habitat value occurs. This may include the use of setbacks, buffers, and water quality drainage control features, or other measures to maintain existing habitat and hydrologic functions of retained wetlands and waters of the U.S. (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S. See Implementation Program RCS-6.3.a for mitigation standards for other wetland habitat areas).</p> <p>c. Implementation Program RCS 8.1.c: Wetland Permits. The Town shall require the project proponent to obtain all necessary permits pertaining to affected waters of the United States, including wetland habitat and stream</p>	<p>Town of Corte Madera</p>		

<p>channel and pond habitat regulated by the California Department of Fish and Game and/or the San Francisco Bay Regional Water Quality Control Board prior to construction. Grading or other construction activities within streambeds or ponds may require streambed alteration agreements from the California Department of Fish and Game. Discharge of fill into waters of the United States will require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers and Clean Water Act Section 401 certification from the San Francisco Bay Regional Water Quality Control Board. The permitting process will also require compensation for construction impacts (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S.).</p>			
<p>7-3b. Policy RCS-8.2. Establish and implement criteria to mitigate wetland (as defined herein) losses. a. Implementation Program RCS-8.2.a: Wetland Mitigation. Where complete avoidance of wetlands and waters of the United States due to filling is not feasible (as defined under State CEQA Guidelines Section 15364), require provision of replacement habitat on-site through restoration and/or habitat creation at a minimum 2:1 ratio that would ensure no net loss of wetland acreage, function, water quality protection, and habitat values occurs. Allow restoration of wetlands off-site only when an applicant has demonstrated that no net loss of wetlands would occur and that on-site restoration is not feasible. Off-site wetland mitigation preferably will consist of the same habitat type as the wetland area that would be lost.</p>	<p>Town of Corte Madera</p>		
<p>7-4. Policy RCS-7.4. Protect woodland and tree resources. a. Implementation Program RCS-7.4.a: Tree Protection. Protect large native trees, trees with historical importance, oak woodlands, and forest habitats, and prevent the untimely removal of trees through implementation of standards in the Town's Municipal Code. Evaluate tree protection standards as part of the project to develop Design Guidelines and update the Tree Ordinance accordingly.</p>	<p>Town of Corte Madera</p>	<p>Verify in construction documents prior to issuing building permit.</p>	
<p>7-5. Policy RCS-6.7. Protect migratory corridors. a. Implementation Program RCS-6.7a: Migratory Corridors. Condition approval of development proposals to assure that movement corridors for migratory fish and wildlife species are maintained. Coordinate with Marin</p>	<p>Town of Corte Madera in coordination with Marin County, adjoining jurisdictions,</p>	<p>Verify in construction documents prior to issuing building permit.</p>	

County and adjoining jurisdictions, and federal and state agencies such as CalTrans, to assure regional connectivity of open space and wildlife corridors.	and federal and state agencies		
Noise			
<p>10-1 Policy PSH-4.1. New commercial, residential, and office development and redevelopment projects along the freeway frontage shall include evaluations of methods to reduce Highway 101-related noise impacts.</p> <p>Implementation Program PSH-4.1a: Noise Studies Along 101. Require noise studies for new commercial, residential, and office development along Highway 101, and implement noise attenuation measures. These studies shall be based on traffic volumes commensurate with cumulative build-out conditions within the area and compliance with standards prescribed within the Noise section of the Public Safety and Hazards chapter of the General Plan.</p>	Town of Corte Madera	Prior to project approval Verify in construction documents prior to issuing building permit	
<p>10-2a Policy PSH-5.3. Any Town-required acoustical analysis shall be prepared according to specific standards and practices.</p> <p>Implementation Measure PSH – 5.3.a: Acoustics Analysis. An acoustical analysis may be required by the Town for development projects that are deemed to possibly result in violation of the noise standards outlined in Policies PSH-5.1 and 5.2, above, either in terms of a noise impact created by the new development that could affect nearby properties, or if the new development may be impacted by existing noise sources in the community. Additionally, a noise analysis may be required pursuant to Policy PSH 6.1, below, regarding project proximity to noise sensitive receptors.</p> <p>Where an acoustical analysis is required by the Town, it shall be prepared in accordance with the following provisions:</p> <ul style="list-style-type: none"> ▪ Applicant has the financial responsibility (with the study to be administered by the Town). ▪ Must be prepared by qualified persons experienced in the fields of environmental noise assessment and architectural acoustics. ▪ Include representative noise-level measurements with sufficient sampling periods and locations to adequately describe local conditions. 	Town of Corte Madera	Prior to project approval Verify in construction documents prior to issuing building permit	

<ul style="list-style-type: none"> ▪ Estimate existing and projected (cumulative) noise levels in terms of Town noise standards. ▪ Recommend appropriate project-level noise mitigation measures. Where the noise source in question consists of intermittent single events, the report must address the effects of maximum noise levels in sleeping rooms evaluating possible sleep disturbance. ▪ Estimate interior and exterior noise exposure after the prescribed mitigations are implemented. ▪ Describe the post-project assessment program which could be used to evaluate the effectiveness of the proposed mitigations. 			
<p>10-2b Policy PSH-6.1. Reduce noise impacts to sensitive receptors. Implementation Program PSH-6.1.a: Perform Noise Analyses. Require site-specific noise analyses where noise sensitive land uses are proposed in proximity to sensitive noise sources (such as residences, schools, nursing homes, hospitals and day care operations), or where similar sources are proposed to be located near noise-sensitive land uses. Noise mitigation shall be included where results of the study warrant such actions.</p>	Town of Corte Madera	Prior to project approval Verify in construction documents prior to issuing building permit	
<p>10-3 Future construction activities associated with any development on the 11 housing opportunity sites, shall be required to implement and comply with the Town of Corte Madera Municipal Code Chapter 9.36.030(b), which sets time limits for construction activities (except for federal holidays) from Monday-Friday between 7:00 a.m. and 5:00 p.m. and Saturday and Sunday from 10:00 a.m. to 5:00 p.m. In addition, future construction activities will be required to comply with the following general plan implementation program: Implementation Program PSH – 5.7.b: Muffler Requirements. All internal combustion engines used in conjunction with construction shall be muffled according to the equipment manufacturer's requirements. Town Planning and Public Works staff shall ensure construction noise reduction measures are established prior to issuance of all building permits.</p>	Town of Corte Madera	Verify in construction documents prior to issuing building permit	
Public Services			
<p>11-1 For development applications or preliminary applications submitted before the Town has updated its public safety impact fee schedule: the Town will obtain from public safety agencies an objective formula for calculating the cost of new or expanded facilities attributable to new development ("Public Safety Impact Formulae"). Using that formula, the Town will impose</p>	Town of Corte Madera	Verify payment of public safety impact fee prior to issuing building permit	

a condition of approval providing that, prior to obtaining a building permit, the applicant will pay impact fees calculated according to the Public Safety Impact Formulae. The forgoing shall not apply where the Town has updated its public safety impact fee schedule before the applicant applies for a building permit, in which event the applicant will pay the fees determined by said schedule.			
11-2 Individual development projects shall be required to provide recreational amenities with redevelopment of the site prior to the approval of a planning application.	Town of Corte Madera	Prior to project approval	
Utilities			
12-1 Individual development projects that are proposed prior to approval of an updated Marin Water Urban Water Management Plan that accommodates the 6th Cycle Housing Element RHNA, shall be required to obtain verification from Marin Water prior to approval of planning applications that adequate water supplies exist to support the project.	Town of Corte Madera	Prior to project approval	
12-2 General Plan Policy LU-6.11 Ensure adequate provision of water supply and treatment to Town residents and businesses.	Town of Corte Madera	Prior to project approval	
12-3 General Plan Policy LU-6.12 Encourage conservation of water resources throughout the Town.	Town of Corte Madera	Verify project consistency with policy prior to project approval	
12-4 General Plan Policy RCS-5.1 Minimize waste through reducing, reusing, and recycling. Encourage reduced consumption of non-renewable resources by expanding choices for using and reusing materials, energy, and water in an efficient manner.	Town of Corte Madera	Verify individual project consistency with policy prior to project approval	
12-5 Individual development projects that are proposed prior to approval of an updated Sanitary District No. 2 of Marin County Sewer Master Plan that accommodates the 6th Cycle Housing Element housing numbers, shall be required to obtain verification from the sanitary district and Central Marin Sanitation Agency prior to approval of planning applications that adequate capacity exists to support the project.	Town of Corte Madera	Prior to individual project approval	
Tribal Cultural Resources			
13-1 Prior to approval of housing projects pursuant to the 6th Cycle Housing Element, the Town of Corte Madera will offer consultation to the Federated Indians of Graton Rancheria with each proposed housing project in the 6th Cycle Housing Element. Consultation may result in mitigation	Town of Corte Madera	Prior to approval of housing projects pursuant to the 6th Cycle Housing Element	

measures beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.			
13-2 Prior to approval of housing projects pursuant to the 6th Cycle Housing Element, for project sites that that are not completely developed and original surface soils are visible, an archaeological inspection and archaeological records search shall be required prior to approval of the project. The archaeological inspection and records search may result in mitigation measures beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.	Town of Corte Madera	Prior to approval of housing projects pursuant to the 6th Cycle Housing Element	
13-3 Prior to approval of a demolition permit for housing projects pursuant to the 6th Cycle Housing Element, for project sites that are completely developed, a qualified archaeologist shall conduct a records search to determine the presence of known archaeologic resources at the site or in the vicinity. The archaeological records search may result in mitigation measures beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.	Town of Corte Madera	Prior to approval of a demolition permit for housing projects pursuant to the 6th Cycle Housing Element	
13-4 Prior to approval of housing projects pursuant to the 6th Cycle Housing Element, if the housing project site contains buildings or structures that meet the minimum age requirement, prior to commencement of project activities, this resource shall be assessed by a professional familiar with the architecture and history of Marin County. If the structure or structures are determined to be significant, and the housing project would result in a significant impact to that significant structure, preparation of an EIR would be required.	Town of Corte Madera	Prior to approval of housing projects pursuant to the 6th Cycle Housing Element	
13-5 If potential archaeological resources are uncovered, work shall be halted within 50 feet of the discovery. Construction workers shall avoid altering the materials and their context. Project personnel shall not collect cultural materials. Prehistoric materials might include obsidian and/or chert flaked-stone tools such as projectile points, knives, or scraping implements; the debris from making, sharpening, and using them ("debitage"); culturally darkened soil containing shell, dietary bone, heat-altered rock, and carbonized plant material ("midden"); or stone milling equipment such as mortars, pestles, handstones, or milling slabs. A qualified professional archaeologist shall evaluate the find and provide appropriate	Town of Corte Madera	Verify in construction documents prior to issuing building permit. Monitor as necessary during construction. Halt work and follow evaluation procedures, if necessary.	

<p>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. Avoidance of impacts to the resource are preferable. 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 the historic resources or unique archaeological resources is being carried out.</p>			
<p>13-6 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 § 5097.9 and Health and Safety Code § 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.</p>	Town of Corte Madera	<p>Verify in construction documents prior to issuing building permit. Monitor as necessary during construction. Halt work and follow evaluation procedures, if necessary.</p>	
<p>13-7 Identified cultural resources shall be recorded on DPR 523 historic resource recordation forms, prior to issuance of a building permit.</p>	Town of Corte Madera	Prior to issuing building permit	
<p>Transportation</p>			
<p>14-1 Residential projects pursuant to the 6th Cycle Housing Element Update shall submit a residential travel demand management plan (TDM),</p>	Town of Corte Madera	Prior to issuing building permit	

<p>which shall include but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below and final VMT reduction measure(s) selected by future developers of the housing opportunity sites shall be subject to the review and approval of the Town's Planning & Building Director prior to the issuance of a building permit:</p> <ul style="list-style-type: none"> ▪ Unbundle parking costs (i.e., sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook. ▪ Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs. ▪ Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook. ▪ Integrate affordable and below market rate housing. Effectiveness: up to 28.6 percent reduction in GHG from VMT per the CAPCOA Handbook. 			
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SOURCE: EMC Planning Group 2022

NOTE:

Draft Town Council Resolution 03/2023 Approving Land Use Element Update

**CORTE MADERA TOWN COUNCIL
RESOLUTION NO. 03/2023**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
ADOPTING AN AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT
ASSOCIATED WITH THE HOUSING ELEMENT UPDATE (6TH CYCLE, 2023 - 2031)**

WHEREAS, the State of California requires cities and counties to adopt a comprehensive long-term General Plan for the physical development of the Town; and

WHEREAS, the Housing Element is one of seven mandated elements of the General Plan and must address the existing and projected housing needs for all economic segments of the community; and

WHEREAS, State law requires Housing Elements to be updated and certified by the California Department of Housing and Community Development (HCD) every eight years; and

WHEREAS, the Housing Element must include an inventory of specific sites or parcels that are suitable for residential development and available for use in the planning period to accommodate the Town's Regional Housing Needs Allocation (RHNA); and

WHEREAS, the Town of Corte Madera's RHNA for the 6th Cycle (2023-2031) is 725 units comprised of 213 very-low income units, 123 low-income units, 108 moderate-income units, and 281 above moderate-income units; and

WHEREAS, the Town of Corte Madera desires to create a "buffer" exceeding the Town's RHNA, at each income level, in order to ensure the Town is positioned to address State law related to "no net loss" during the 2023-2031 Housing Element planning period; and

WHEREAS, the Town made a concerted effort to promote and advertise the Housing Element Update to the community. The Town's outreach began in September 2021 with the creation of a Housing webpage and a Town-wide mailer delivered to every residence and business announcing a six-part workshop series, and encouraging the community to visit the website for further information on the project; and

WHEREAS, the Town utilized a variety of other methods to advertise the housing workshops including hanging banners at three locations in Town ten days in advance of each workshop, promoting the workshops on the readerboard at the Community Center, publishing articles in the Town and school district's weekly newsletter, promoting workshops through Nextdoor posts, Facebook posts, and newsflash, and sending emails to the interested parties list; and

WHEREAS, in addition to the workshops, staff held nine interactive pop-up events to provide information and answer questions on the Housing Element Update. In a diligent effort to maximize community participation, pop-ups were held during the day and evenings; on weekdays, weekends, and holidays; and at various community gathering places such as shopping centers, parks, and recreational events; and

WHEREAS, through consultation with the Corte Madera community at a series of public workshops, and through subsequent public meetings with the Planning Commission and Town Council, the Town developed a list of eleven (11) properties, or “housing opportunity sites,” meant to help satisfy the RHNA; and

WHEREAS, since the release of the draft Housing Element on July 8, 2022, staff removed the property at 601 Tamalpais Drive from the Town’s “housing opportunity sites” list. This decision was based on further discussion with the property owner, who expressed interest in removing his property from the opportunity site list, given their interest in commercial uses for the site and the relatively low residential density proposed for the site; and due to public comments previously received by neighbors of the property, who expressed the desire for the site to be removed from the housing site inventory list; and

WHEREAS, the update to the 2023 – 2031 Housing Element requires the creation of a new land use designation within the Land Use Element of the General Plan that includes three different maximum housing densities. The new land use designation is intended to permit greater residential densities on the 10 housing opportunity sites intended to help satisfy the Town’s RHNA than is currently permitted pursuant to the existing land use designations; and

WHEREAS, the three different maximum housing densities within the new Mixed-Use Housing Element land use designation are 25 dwelling units per acre (Housing Element Neighborhood), 35 dwelling units per acre (Housing Element Corridor), and 40 dwelling units per acre (Housing Element Core); and

WHEREAS, the housing densities in the Housing Element Neighborhood and Housing Element Corridor designations could be increased to 30 dwelling units per acre and 40 dwelling units per acre respectively for a senior housing project; and

WHEREAS, the update to the 2023 – 2031 Housing Element also requires the rezoning of 10 housing opportunity sites comprised of 18 parcels to allow a higher number of housing units than is currently allowed pursuant to the Town’s existing zoning code. The ordinance amendment associated with the Housing Element Update establishes the development standards for the identified “housing opportunity sites,” including but not limited to the residential density, maximum building height, required setbacks, parking standards, and landscaping requirements; and

WHEREAS, the zoning ordinance creates a new Housing Element Overlay District within Chapter 18.18 (Special Purpose Overlay Districts) of the Corte Madera Municipal Code. The regulations in the Housing Element Overlay District will apply to the “housing opportunity sites” that are developed with residential uses, including a mixed-use development, and to sites developed with a Residential Care Facility; and

WHEREAS, the 2023 – 2031 Housing Element, associated amendments to the General Plan, including the Land Use Element and Safety Element, and associated zoning ordinance amendments are collectively referred to as the “Project;” and

WHEREAS, the California Environmental Quality Act (CEQA) and CEQA Guidelines require that certain projects be reviewed for environmental impacts and that environments documents be prepared to analyze project impacts; and

WHEREAS, the Town, as the lead agency under CEQA, determined that the Project could result in significant adverse impacts and prepared a Draft Subsequent Environmental Impact Report (SEIR) (State Clearinghouse SCH No. 2005062023) dated October 5, 2022 for the proposed project to evaluate the potentially significant adverse environmental impacts; and

WHEREAS, the Town circulated the Draft SEIR for a 45-day public review from October 7, 2022 through November 21, 2022; and

WHEREAS, the Town held a public meeting on October 27, 2022 to hear public comments; and

WHEREAS, the Town received comments and letters concerning the Draft SEIR from three public agencies and, pursuant to CEQA Guidelines Section 15088, the Town has prepared written responses to all comments received on the Draft SEIR which raised environmental issues; and

WHEREAS, consistent with Section 65352.3 of the California Government Code, the Town obtained a contact list of local Native American tribes from the Native American Heritage Commission and notified the tribes on the contact list of the opportunity to consult with the Town on the proposed General Plan Amendment; and

WHEREAS, on March 29, 2022, the Town received a formal request for consultation pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18 from Ms. Buffy McQuillen from the Federated Indians of Graton Rancheria; and

WHEREAS, a tribal consultation meeting occurred on September 27, 2022, with representatives from the Federated Indians of Graton Rancheria, Town staff, and Town consultants; and

WHEREAS, changes have been made to the proposed project description to allow more senior housing units than evaluated in the Draft SEIR and Final SEIR; and

WHEREAS, the Town has prepared an Errata to the Final SEIR to evaluate the changes in the project description after circulation of the Draft SEIR, and concluded that the change in the project description would not result in any new impacts that were not already addressed in the Draft SEIR and Final SEIR; and

WHEREAS, on December 2, 2022, notice of the Corte Madera Planning Commission public hearing on the Subsequent Environmental Impact Report (SEIR), amendment to the General Plan Land Use Element, and zoning ordinance amendments was posted at the Town's fire station, Town Hall, and post office, and was posted to the Town's website; and

WHEREAS, on December 2, 2022, notices were mailed to property owners within 300 feet of the ten housing opportunity sites announcing the public hearing on December 13, 2022. In addition, the public was notified of the Planning Commission hearing via the email list of individuals who have signed up on the Town's website to be notified of Town meetings, the interested parties list for the Housing Element Update project, and postings on the Town's social media accounts; and

WHEREAS, on December 3, 2022, 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 December 13, 2022, the Planning Commission held a public hearing, received the staff report and reviewed a presentation from the Planning Department and received comments from the public and interested parties; and

WHEREAS, by Resolution No. 22-018, the Planning Commission did consider and recommend, by a vote of 5-0 that the Town Council take the following actions: 1) adopt a Resolution to certify and adopt the Final Subsequent Environmental Impact Report prepared for the project, 2) adopt a Resolution approving amendments to the Land Use Element of the General Plan to create a new Mixed-Use Housing Element land use designation, and 3) adopt an Ordinance to amend Chapter 18.04 (Definitions) and add a new Housing Element Overlay District to Chapter 18.18 (Special Purpose Overlay District); and

WHEREAS, on December 28, 2022, notice of the Corte Madera Town Council public hearing on the Final Subsequent Environmental Impact Report (SEIR), amendment to the General Plan Land Use Element, and zoning ordinance amendments was posted at Town’s fire station, Town Hall, and post office, and was posted to the Town’s website; and

WHEREAS on December 28, 2022, notices were mailed to property owners within 300 feet of the ten housing opportunity sites announcing the public hearing on January 11, 2023. In addition, the public was notified of the Town Council hearing via the email list of individuals who have signed up on the Town’s website to be notified of Town meetings, the interested parties list for the Housing Element Update project, postings on the Town’s social media accounts, and the Town readerboard at the Community Center; and

WHEREAS, on December 31, 2022, notice of the Town Council public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on January 11, 2023, the Town Council of the Town of Corte Madera conducted a public hearing at a special meeting on the item, and considered all oral and written comments submitted to the Town regarding the item prior to taking its actions on the item; and

WHEREAS, on January 11, 2023, the Town Council adopted Resolution No. 02/2023 certifying the Final Subsequent Environmental Impact Report for the Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update Project and making findings, including adopting a Mitigation Monitoring and Reporting Program (MMRP) before approving the project.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Corte Madera does hereby approve the amendments to the General Plan Land Use Element associated with the Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update shown in Exhibits A and B and attached hereto.

* * * * *

PASSED AND ADOPTED by the Corte Madera Town Council on the 11th day of January, 2023
by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

CHARLES LEE, MAYOR

ATTEST

REBECCA VAUGHN
TOWN CLERK

Attachments:

1. Exhibit A: General Plan Text Amendment.
2. Exhibit B: General Plan Land Use Diagram Amendment

EXHIBIT A TO ATTACHMENT 2
GENERAL PLAN TEXT AMENDMENT

EXHIBIT A

GENERAL PLAN TEXT AMENDMENT

The following General Plan Amendments are proposed to the Land Use Element of the General Plan. All below text would be added as new text immediately following the description of the Mixed-Use Commercial land use designation on pg. 2-21.

PG. 2-21

Mixed-Use Housing Element

This designation is intended to support infill multi-family residential development at densities necessary to meet the Town's Regional Housing Needs Allocation (RHNA) by promoting site and building redevelopment within multi-family residential and mixed-use neighborhoods, along mixed-use and commercial corridors, and within commercial centers. Allowable uses include commercial retail, office, light industrial (non-manufacturing), and services, including licensed retirement communities for the elderly (RCFE), as well as new housing developments. The designation is intended to encourage a variety of community activities and services to co-exist in close proximity to one-another (such as jobs, housing and services) and near public transit, thereby minimizing the need for automobile trips.

This designation consists of three variants, differentiated by minimum lot sizes, permitted residential densities and applicable zoning districts.

Mixed-Use Housing Element - Neighborhood

Minimum Lot Size: .5 acres

Floor Area Ratio: Up to .20 FAR for nonresidential uses in mixed-use projects that include residential uses; up to .34 FAR for nonresidential-only projects. The nonresidential FAR may be increased, or exempted, if permitted pursuant to applicable zoning district regulations.

Development Density: Maximum of 25 dwelling units per net acre and 30 dwelling units per gross acre for senior housing. Maximum densities may be increased in accordance with State requirements for density bonus.

Applicable Zoning Districts: C-1 (Local Shopping District); C-3 (Highway Commercial); AHMU (Affordable Housing Mixed-Use District); PD (Planned Development Overlay District); BRNH (Baylands Risk Zone and Natural Habitat Overlay District); Housing Element 1 (HE-1) Overlay District.

Mixed-Use Housing Element - Corridor

Minimum Lot Size: 1.0 acre

Floor Area Ratio: Up to .20 FAR for nonresidential uses in mixed-use projects that include residential uses; up to .34 FAR for nonresidential-only projects. The nonresidential FAR may be increased, or exempted, if permitted pursuant to applicable zoning district regulations.

Development Density: Maximum of 35 dwelling units per net acre and 40 dwelling units per gross acre for senior housing. Maximum densities may be increased in accordance with State requirements for density bonus.

Applicable Zoning Districts: C-1 (Local Shopping District); C-3 (Highway Commercial); C-4 (Commercial Service District); M (Light Industrial District); MX-1 (Mixed Use – Tamal Vista Corridor); AHMU (Affordable Housing Mixed-Use District); PD (Planned Development Overlay District); BRNH (Baylands Risk Zone and Natural Habitat Overlay District); Housing Element 2 (HE-2) Overlay District.

Mixed-Use Housing Element - Core

Minimum Lot Size: 2.0 acre

Floor Area Ratio: Up to .34 FAR for nonresidential uses in mixed-use projects that include residential uses; up to .47 FAR for nonresidential-only projects located at the Village. The nonresidential FAR may be increased, or exempted, if permitted pursuant to applicable zoning district regulations.

Development Density: Maximum of 40 dwelling units per net acre. Maximum densities may be increased in accordance with State requirements for density bonus.

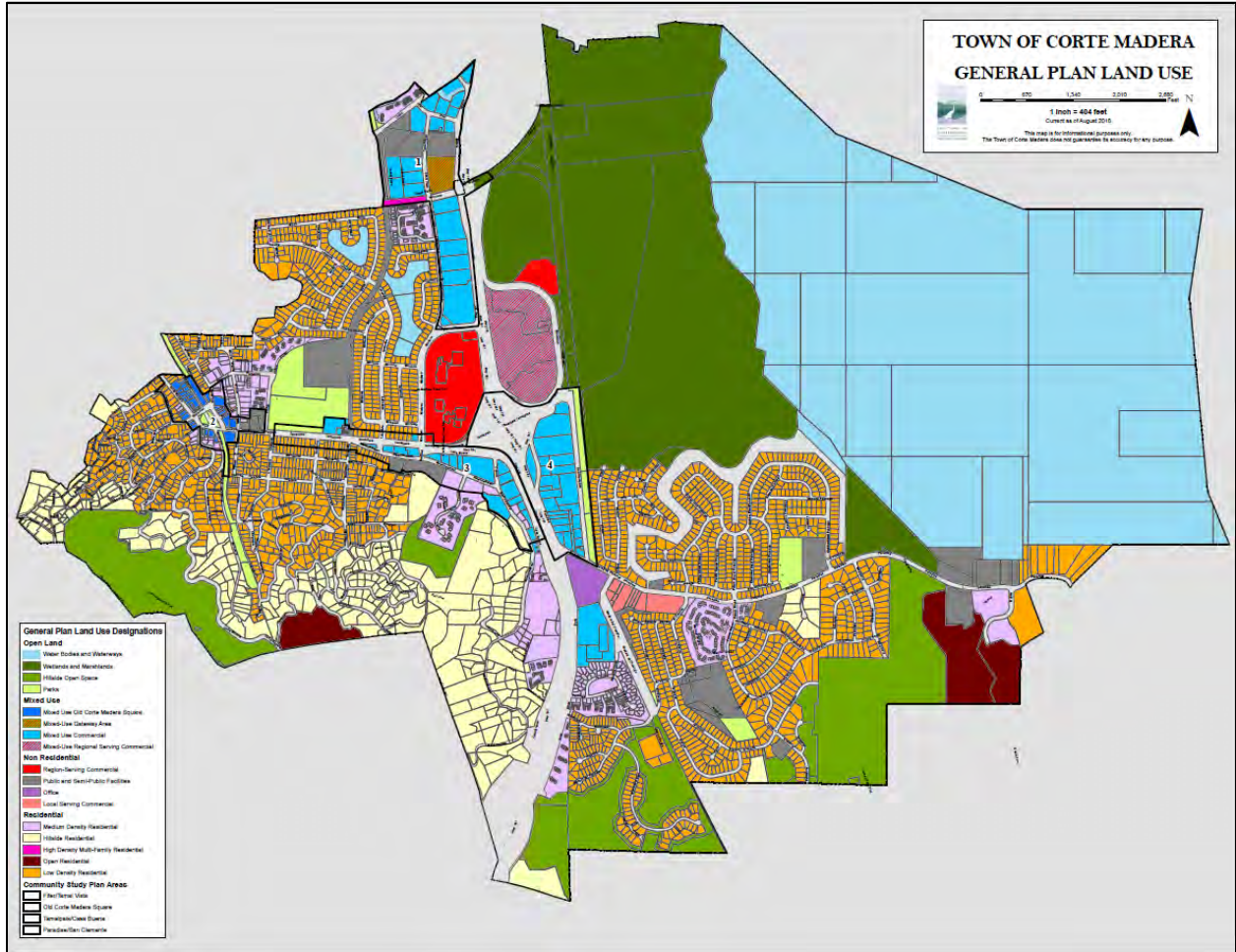
Applicable Zoning Districts: C-2 (Region Shopping District); C-3 (Highway Commercial); C-4 (Commercial Service District); MX-1 (Mixed Use – Tamal Vista Corridor); PD (Planned Development Overlay District); AHMU (Affordable Housing Mixed-Use District); PD (Planned Development Overlay District); BRNH (Baylands Risk Zone and Natural Habitat Overlay District); Housing Element 3 (HE-3) Overlay District.

EXHIBIT B TO ATTACHMENT 2

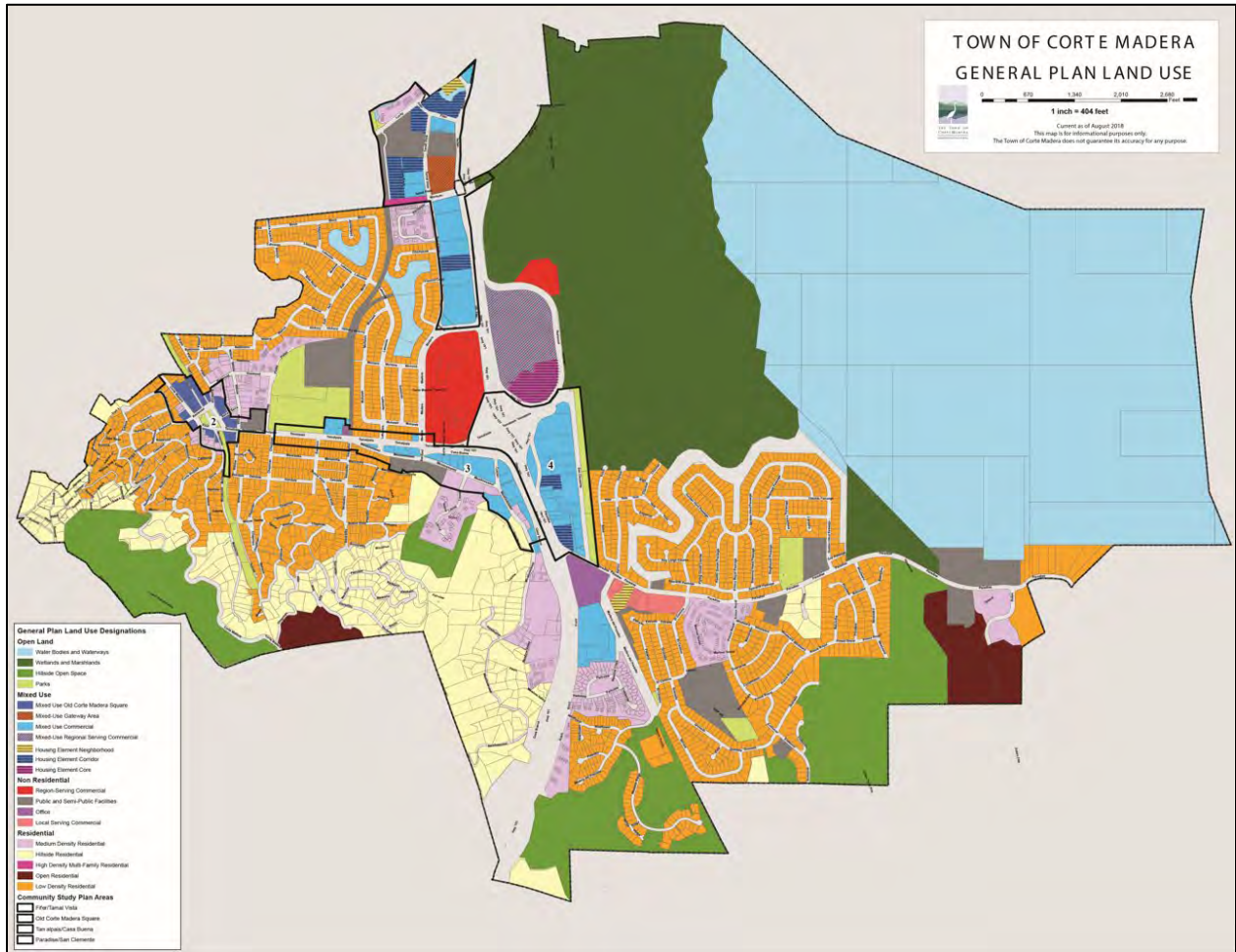
GENERAL PLAN LAND USE DIAGRAM AMENDMENT

EXHIBIT B

GENERAL PLAN LAND USE DIAGRAM AMENDMENT



EXISTING LAND USE DIAGRAM



PROPOSED LAND USE DIAGRAM

Attachment 3
Draft Town Council Ordinance Rezoning Housing Opportunity Sites &
Amending Chapters 18.04 & 18.18

ORDINANCE NO. XXX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA TO REZONE EIGHTEEN (18) PARCELS ASSOCIATED WITH THE UPDATE TO THE TOWN OF CORTE MADERA HOUSING ELEMENT UPDATE (6TH CYCLE, 2023 – 2031); AND TO ADOPT AMENDMENTS TO TITLE 18 OF THE CORTE MADERA MUNICIPAL CODE TO (1) AMEND CHAPTER 18.04 (DEFINITIONS) AND (2) ADD A NEW HOUSING ELEMENT OVERLAY DISTRICT TO CHAPTER 18.18 (SPECIAL PURPOSE OVERLAY DISTRICTS) OF THE CORTE MADERA MUNICIPAL CODE (CMMC)

WHEREAS, the State of California requires cities and counties to adopt a comprehensive long-term General Plan for the physical development of the Town; and

WHEREAS, the Housing Element is one of seven mandated elements of the General Plan and must address the existing and projected housing needs for all economic segments of the community; and

WHEREAS, State law requires Housing Elements to be updated and certified by the California Department of Housing and Community Development (HCD) every eight years; and

WHEREAS, the Housing Element must include an inventory of specific sites or parcels that are suitable for residential development and available for use in the planning period to accommodate the Town's Regional Housing Needs Allocation (RHNA); and

WHEREAS, the Town of Corte Madera's RHNA for the 6th Cycle (2023-2031) is 725 units comprised of 213 very-low income units, 123 low-income units, 108 moderate-income units, and 281 above moderate-income units; and

WHEREAS, the Town of Corte Madera desires to create a "buffer" exceeding the Town's RHNA, at each income level, in order to ensure the Town is positioned to address State law related to "no net loss" during the 2023-2031 Housing Element planning period; and

WHEREAS, the Town made a concerted effort to promote and advertise the Housing Element Update to the community. The Town's outreach began in September 2021 with the creation of a Housing webpage and a Town-wide mailer delivered to every residence and business announcing a six-part workshop series, and encouraging the community to visit the website for further information on the project; and

WHEREAS, the Town utilized a variety of other methods to advertise the housing workshops including hanging banners at three locations in Town ten days in advance of each workshop, promoting the workshops on the readerboard at the Community Center, publishing articles in the Town and school district's weekly newsletter, promoting workshops through Nextdoor posts, Facebook posts, and newsflash, and sending emails to the interested parties list; and

WHEREAS, in addition to the workshops, staff held nine interactive pop-up events to provide information and answer questions on the Housing Element Update. In a diligent effort to maximize community participation, pop-ups were held during the day and evenings; on weekdays, weekends, and holidays; and at various community gathering places such as shopping centers, parks, and recreational events; and

WHEREAS, through consultation with the Corte Madera community at a series of public workshops, and through subsequent public meetings with the Planning Commission and Town Council, the Town developed a list of eleven (11) properties, or “housing opportunity sites,” meant to help satisfy the RHNA; and

WHEREAS, since the release of the draft Housing Element on July 8, 2022, staff removed the property at 601 Tamalpais Drive from the Town’s “housing opportunity sites” list. This decision was based on further discussion with the property owner, who expressed interest in removing his property from the opportunity site list, given their interest in commercial uses for the site and the relatively low residential density proposed for the site; and due to public comments previously received by neighbors of the property, who expressed the desire for the site to be removed from the housing site inventory list; and

WHEREAS, the update to the 2023 – 2031 Housing Element requires the creation of a new land use designation within the Land Use Element of the General Plan that includes three different maximum housing densities. The new land use designation permits greater residential densities on the 10 housing opportunity sites than what is currently permitted. This change is intended to help satisfy the Town’s RHNA; and

WHEREAS, the three different maximum housing densities within the new Mixed-Use Housing Element land use designation are 25 dwelling units per acre (Housing Element Neighborhood), 35 dwelling units per acre (Housing Element Corridor), and 40 dwelling units per acre (Housing Element Core); and

WHEREAS, the housing densities in the Housing Element Neighborhood and Housing Element Corridor designations could be increased to 30 dwelling units per acre and 40 dwelling units per acre respectively for projects that include senior housing; and

WHEREAS, the update to the 2023 – 2031 Housing Element also requires the rezoning of 10 housing opportunity sites to allow a higher number of housing units than what is currently allowed pursuant to the Town’s existing zoning code. The ordinance amendment associated with the Housing Element Update establishes the development standards for the identified housing opportunity sites, including but not limited to the residential density, maximum building height, required setbacks, parking standards, and landscaping requirements; and

WHEREAS, the zoning ordinance creates a new Housing Element Overlay District within Chapter 18.18 (Special Purpose Overlay Districts) of the Corte Madera Municipal Code. The regulations in the Housing Element Overlay District will apply to the housing opportunity sites that are developed with residential uses, including a mixed-use development, and to sites developed with a Residential Care Facility; and

WHEREAS, the 2023 – 2031 Housing Element, associated amendments to the General Plan, including the Land Use Element and Safety Element, and associated zoning ordinance amendments are collectively referred to as the “Project,” and

WHEREAS, on December 2, 2022, notice of the Corte Madera Planning Commission public hearing on the Final Subsequent Environmental Impact Report (Final SEIR), amendment to the General Plan Land Use Element, and Zoning Ordinance Amendments was posted at the Town’s fire station, Town Hall, and post office, and was posted to the Town’s website; and

WHEREAS, on December 2, 2022, notices were mailed to property owners within 300 feet of the ten housing opportunity sites announcing the public hearing on December 13, 2022. In addition, the public was notified of the Planning Commission hearing via the email list of individuals who have signed up on the

Town's website to be notified of Town meetings, the interested parties list for the Housing Element Update project, and postings on the Town's social media accounts; and

WHEREAS, on December 3, 2022, 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 December 13, 2022, the Planning Commission held a public hearing, received the staff report and reviewed a presentation from the Planning Department and received comments from the public and interested parties; and

WHEREAS, by Resolution No. 22-018, the Planning Commission did consider and recommend, by a vote of 5-0 that the Town Council take the following actions: 1) adopt a Resolution to certify and adopt the Final SEIR prepared for the project, 2) adopt a Resolution approving amendments to the Land Use Element of the General Plan to create a new Mixed-Use Housing Element land use designation, and 3) adopt an ordinance to amend Chapter 18.04 (Definitions) and add a new Housing Element Overlay District to Chapter 18.18 (Special Purpose Overlay Districts) of the Corte Madera Municipal Code; and

WHEREAS, on December 28, 2022, notice of the Corte Madera Town Council public hearing on the Final Subsequent Environmental Impact Report (SEIR), amendment to the General Plan Land Use Element, and zoning ordinance amendments was posted at Town's fire station, Town Hall, and post office, and was posted to the Town's website; and

WHEREAS on December 28, 2022, notices were mailed to property owners within 300 feet of the ten housing opportunity sites announcing the public hearing on January 11, 2023. In addition, the public was notified of the Town Council hearing via the email list of individuals who have signed up on the Town's website to be notified of Town meetings, the interested parties list for the Housing Element Update project, postings on the Town's social media accounts, and the Town readerboard at the Community Center; and

WHEREAS, on December 31, 2022, notice of the Town Council public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on January 11, 2023, the Town Council of the Town of Corte Madera conducted a public hearing at a special meeting on the item, and considered all oral and written comments submitted to the Town regarding the item prior to taking its actions on the item.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

Section 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 Environmental Impact Report certified for the 2009 General Plan, including the appendices and technical reports cited in and/or relied upon in preparing the document (collectively, 2009 General Plan EIR), (3) all staff reports, Town files and records and other documents prepared for and/or submitted to the Town Council relating to the Town of Corte Madera 6th

Cycle (2023-2031) Housing Element Update including the Final SEIR and Errata prepared to evaluate the environmental effects of the Project, (4) the Housing Element update adopted by the Town Council in 2015, including the adopted environmental determination, (5) the draft 6th Cycle Housing Element Update, (6) the recommendation of the Planning Commission, (7) all documentary and oral evidence received at public hearings or submitted to the Town relating to the Final SEIR, and (8) 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, 240 Tamal Vista Blvd., Suite 110, Corte Madera, CA 94925.

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

The California Environmental Quality Act (CEQA) and the CEQA Guidelines require that certain projects be reviewed for environmental impacts and that environmental documents be prepared to analyze project impacts. The Town, as the lead agency under CEQA, determined that the 2023 – 2031 Housing Element, associated amendments to the General Plan, including the Land Use Element and Safety Element, and associated zoning ordinance amendments (collectively referred to as the “Project,”) could result in significant adverse impacts. The Town prepared a Draft Subsequent Environmental Impact Report (Draft SEIR) (State Clearinghouse SCH No. 2005062023) dated October 5, 2022 for the proposed project to evaluate the potentially significant adverse environmental impacts.

The Town circulated the Draft SEIR for a 45-day public review from October 7, 2022 through November 21, 2022. The Town held a public meeting on October 27, 2022 to hear public comments. The Town received comments and letters concerning the Draft SEIR from three public agencies. Pursuant to CEQA Guidelines Section 15088, the Town prepared written responses to all comments received on the Draft SEIR that raised substantive environmental issues. The Town compiled the comments, responses and additional information into a second environmental document that, together with the Draft SEIR, constitute the Final SEIR.

Changes were made to the proposed project description that allow more senior housing units than evaluated in the Draft SEIR and Final SEIR. The Town prepared an Errata to the Final SEIR to evaluate the changes in the project description after circulation of the Draft SEIR, and concluded that the change in the project description would not result in any new impacts that were not already addressed in the Draft SEIR and Final SEIR.

The Town Council adopted Resolution No. 02/2023 certifying the Final Subsequent Environmental Impact Report for the Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update Project and making findings, including adopting a Mitigation Monitoring and Reporting Program (MMRP) before approving the project.

General Plan Consistency

The Town Council of the Town of Corte Madera does hereby find that the proposed ordinance amendments to Chapter 18.04 (Definitions) and Chapter 18.18 (Special Purpose Overlay Districts) of the Corte Madera Municipal Code is in the best interest of the Town because it furthers established goals, policies and implementation programs of the General Plan (including the draft Housing Element which is currently being updated) to promote housing opportunities, maintain a diverse range of housing options, and provide affordable housing, while preserving quality of life in the Town.

The amendments specifically are consistent with and implement the following General Plan Element policies and programs:

Policy LU-2.2: Provide for development of new housing to meet the diverse economic and physical needs of existing residents and projected population capacity.

Implementation Program LU-2.2.a: Implement Housing Element. Implement the Goals, Objectives, Policies, and Implementing Programs of the adopted Town of Corte Madera Housing Element.

Implementation Program LU-2.2.b: Provide a Variety of Housing Types and Affordability. Strive to promote a mix of housing types, densities, affordability levels, and designs. Promote innovative housing approaches by working with developers to explore “non-traditional” methods to finance, design, and construct different types of housing to meet local needs.

Implementation Program LU-2.11.a: Support Housing. Continue to support provision of housing for all income categories, particularly affordable housing and higher density housing, consistent with the policies of the adopted Housing Element.

Implementation Program LU-2.12.a: High Density Housing Design. Support medium and high density and mixed-use residential development proposals when the size, scale and design of the projects are consistent with Town housing and design policies, and where consistent with the character of surrounding neighborhoods.

Implementation Program LU-2.15: Support Mixed Use Development. The Town will support mixed-use projects including residential components, such as live-work combinations or ground-floor retail with upper story residential use. Such projects will be encouraged over standard single-use development proposals where the underlying zoning allows mixed-use developments.

Implementation Program LU-3.2.b: Encourage Infill. Update the Zoning Ordinance to remove impediments to infill development, including allowing flexible and shared parking, and updating building height, yard setback, lot coverage and similar standards to reflect the desire to allow for additional density where appropriate and transit oriented development.

Section 5. Amendment To The Corte Madera Municipal Code. Chapter 18.04 is amended, as shown in strike-out (deleted) and underline (added text, as follows):

18.04.365 – Housing, Senior

“Housing project, senior” means a residential development developed, substantially rehabilitated or substantially renovated for senior citizens. “Senior citizen” shall mean a person 62 years of age or older, or 55 years of age or older in a senior housing project.

~~18.04.365 – Housing, Senior~~

~~“Senior housing” means a building or group of buildings containing dwellings where the occupancy of the dwellings is intended for persons sixty two years of age or older. (See California Civil Code Section 51.3 et seq. for complete definition.)~~

18.04.650 – Residential care facility

“Residential care facility” as defined by California Health and Safety Code Section 1502, means any family home, group care facility, or similar facility determined by the Director of the California Department of Social Services, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. “Small” residential care facilities are those in which six or fewer persons live together, and pursuant to Health and Safety Code Section 1566.3, are classified as a residential use for zoning purposes. “Large” residential care facilities are those in which seven or more persons live together.

~~18.04.650 – Residential care facility~~

~~“Residential care facility” means any state or federally authorized, licensed or supervised family home, group care facility, or similar facility providing twenty four nonmedical care for handicapped persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual, pursuant to Section 1502 of the Health and Safety Code or the state of California. (Ord. 785, Section 3(b)(part), 1994.~~

Section 6. Amendment To The Corte Madera Municipal Code. Chapter 18.18, XI (Housing Element Overlay District) is hereby added to the Town of Corte Madera Municipal Code as follows:

Chapter 18.18 (Special Purpose Overlay Districts), XI: Housing Element Overlay District

18.18.1100 – Purposes for all sites in the housing element overlay district.

- (1) To facilitate housing projects and create development standards for multi-family residential projects and mixed-use projects that include residential uses in order to meet the demand for housing in Corte Madera and Marin County;
- (2) To provide appropriately located areas for multi-family residential uses, including affordable housing, in close proximity to residential services and amenities, employment opportunities, and the best available public transit, in order to support mixed-use communities and minimize the need for vehicular trips;
- (3) To provide appropriately located areas for multi-family residential uses along commercial corridors and near freeway access, to limit vehicular trips in established residential neighborhoods;
- (4) To improve the appearance, productivity, and quality of existing commercial properties;
- (5) To encourage projects that include units for seniors, including residential care facilities for the elderly;
- (6) To ensure that the appearance of commercial and multi-family residential structures and uses complements existing development and is consistent, to the extent permissible by law, with the visual character of the Town;
- (7) To provide improved pedestrian and bicycle infrastructure to encourage alternative modes of transportation;
- (8) To improve the visual appearance and engaging character of development from the street and sidewalk by promoting the location of parking to sides and rear of lots and pulling building closer to the street where appropriate; and
- (9) To provide predictable building sizes and forms irrespective of use.

18.18.1105 – Generally.

The regulations set forth in Sections 18.18.1100 through 18.18.1175 shall apply to a site developed with residential uses, including either a residential only project, a mixed-use project that includes residential uses, and residential care facilities as defined in Section 18.04.650. Any site developed with only nonresidential uses, with the exception of a residential care facility, shall be regulated by the underlying zoning district regulations applicable to such site.

18.18.1110 - Permitted and conditional uses in Housing Element Overlay districts.

- (1) Residential uses are permitted as prescribed in Chapter 18.08 (Residential Districts – R-2/R-3), except that, a for-sale residential unit is a permitted use.
- (2) Commercial uses are permitted as prescribed in Chapter 18.13 (MX – Mixed-Use District), except that a residential care facility, as defined in Section 18.04.650, is a conditional use.

18.18.1112 – Development Standards for Residential Care Facilities.

- (1) A residential care facility, as defined in Section 18.04.650, shall be a conditional use at the sites located in the HE-1 and HE-2 sub-areas.
- (2) The development standards for a residential care facility located in the HE-1 subarea are prescribed in Sections 18.18.1120, except that the density standard does not apply.
- (3) The development standards for a residential care facility located in the HE-2 subarea are prescribed in Sections 18.18.1130, except that the density standard does not apply.
- (4) Required parking shall be 1 space per 3 employees on the largest shift, plus 1 space per 3 beds.
- (5) Building scale (i.e. FAR) and design will be established through the Design Review and Conditional Use Permit process.

18.18.1113 – Special Standards for Senior Housing Projects.

- (1) An additional five dwelling units/acre beyond the allowable density stated in Sections 18.18.1120 and 18.18.1130 shall be permitted for a senior housing project, as defined in Section 18.04.365.
- (2) The vehicular parking standards prescribed in Section 18.18.1115(2) may be reduced by a maximum of 25 percent.
- (3) A minimum of 150 square feet per residential unit must be provided as usable open space/recreational space, subject to the following standards:
 - a. Open space/recreational areas may include but are not limited to courtyards, patios, balconies, barbecue areas, bocce courts, swimming pools, gym/fitness centers, community clubhouse, and rooftop lounge areas.
 - b. The usable open space may be common space accessible to more than one dwelling unit, or may be private space for the exclusive use of the residents of a development.
 - c. Common open space shall have a minimum area of 300 square feet, and shall have no dimension less than 15 feet.
 - d. Private usable open space located at ground level shall have a minimum area of 150 square feet, and shall have no dimension less than 10 feet.

- e. Not more than one-half of the requirement may be satisfied by balconies or roof decks.
- f. Open space/recreational areas may be located anywhere on the same development parcel, including the roof of any building on the site.

18.18.1115 – Development standards for residential projects and mixed-use projects that include residential uses.

- (1) The maximum density for all sites shall be determined based on the “Net area of land” as defined in Section 18.04.530, except that Section 18.04.530 (a)(3) and (a)(4) shall not apply. If a fractional unit of one half or more is obtained, then the allowable units per site is rounded to the next whole number.
- (2) Vehicular parking.
 - a. Required parking shall be provided for each use as follows:

Use Type	Required Minimum Vehicular Parking Spaces	
Studio or 1 bedroom	1 per unit	
2 or more bedrooms	1.5 per unit	
Guest Parking	< 4 units	0
	4-15 units	1 per 8 units
	16 or more units	1 per 5 units
Commercial Uses	As required in Section 18.20.030	

- b. Notwithstanding the above requirements, the required parking for a residential care facility shall be as established in Section 18.18.1112.
 - c. Parking space sizes. Full-size parking spaces shall be a minimum 9 feet in width and 19 feet in length. Compact parking spaces shall be a minimum 8.5 feet in width and 17 feet in length. No more than 30% of the total required parking spaces shall be compact spaces. The length of the parking space may be reduced by 2 feet if the vehicles parked in them will overhang landscaping.
 - d. Parking lot layout shall be as prescribed in Figure 17 in Chapter 18.20.
 - e. Shared parking. A parking plan for shared use of required parking spaces may be provided in accordance with the provisions of Section 18.20.020(4) and 18.20.030 (Required Number of Parking Spaces) related to multiple dwellings. Notwithstanding the foregoing, shared parking for Site 2 shall be as prescribed in Section 18.18.1127(1).
 - f. Electric vehicle charging. Electric vehicle charging facilities shall be provided in compliance with Chapter 15.13.
- (3) Vehicle Mile Reduction Strategies
 - a. Car Share Parking Spaces
 - i. Car share parking spaces shall be provided in the amounts specified in the table below:

Use Type (Residential)	Car share Parking Spaces Required
0-49 units	None
50-100 units	1
101 or more units	2 + 1 per additional 200 units

- ii. The required car share space(s) shall be made available, at no cost, to a car share service for purposes of providing car share services to its members.
 - iii. Required car share space(s) shall be designed in a manner that the space(s) are accessible to both residents and to non-resident subscribers from outside the building.
 - iv. If no car share service can make use of the dedicated car share parking spaces, the spaces may be occupied by non-car share vehicles; provided, however, that upon 90 days of advance written notice to the property owner from a car share service, the property owner shall make the spaces available to the car share for its use.
- b. Vehicle Miles Traveled (VMT) Mitigation
- i. Residential projects shall submit a residential travel demand management plan (TDM), which shall include VMT reduction measure(s). Reduction measures shall include the following measures such that in combination, VMT is reduced to at least the minimum required by adopted mitigation measures:
 1. Unbundle parking costs (i.e. sell or lease parking separately from the housing unit).
 2. Provide car sharing, bike sharing, or scooter sharing programs.
 3. Subsidize transit passes for residents of affordable housing.
 4. Integrate affordable and below market rate housing.

The reduction measures shall be selected by the applicant and are subject to review and approval by the Planning & Building Director prior to the issuance of a building permit.

(4) Bicycle Parking Requirements.

- a. Bicycle parking shall be provided in compliance with Section 18.20.040 (Required Number of Off-street Bicycle Parking Spaces), except that for residential uses, 1.0 space shall be provided per unit.
- b. The bicycle parking for residential uses shall be provided in a secure indoor parking facility for the exclusive use of the residential tenants.
- c. In a multi-story residential building, the indoor bicycle parking area may be divided into smaller spaces.
- d. Residential projects that include a bike share program may reduce the required number of bicycle parking for the residential uses by 50%.

(5) Public Frontage Standards

- a. Sidewalk widths shall be as follows:

- i. Minimum sidewalk width of 10 feet, inclusive of required street trees, provided such trees are planted within a tree grate; or
- ii. Minimum 8-foot clear sidewalk width with a separated minimum 4-foot wide planting strip adjacent to the curb and gutter.

(6) Mechanical Equipment Screening.

- a. The following mechanical equipment is exempt from screening requirements:
 - i. Free-standing or roof mounted solar equipment; and
 - ii. Vents less than two feet in height.
- b. For new installation or relocation of existing mechanical equipment, the equipment shall be screened.
 - i. Roof mounted equipment. New buildings shall be designed to provide a parapet or other architectural element that is as tall as or taller than the highest point on any new mechanical equipment to be located on the roof of the building.
 - ii. Wall & ground mounted equipment.
 1. All equipment visible from any public right-of-way shall be screened.
 2. All screen devices shall be as high as the highest point of the equipment being screened.
 3. Equipment and screening shall be in compliance with the setbacks of the site.
 4. Screening shall be architecturally consistent and include matching paint, finish, and trim cap as the building.

(7) Lighting.

- a. Exterior lighting standards that apply to a multi-family residential project:
 - i. All residential exterior lighting fixtures, including landscape lighting shall:
 1. Be certified as dark sky compliant by the International Dark-Sky Association (<https://www.darksky.org>) or
 2. Have a Backlight, Up light, and Glare (BUG) rating that meets the following:
 - a. B3 or less;
 - b. U0 for area lighting, which includes outdoor parking areas;
 - c. U2 or less for all other outdoor lighting, including decorative luminaires; and
 - d. G2 or less.
 - ii. Exterior lighting shall have a color temperature of 3,500 Kelvin or lower (warm not cool).
- b. Exterior lighting standards that apply to a mixed-use development or a residential care facility:

- i. All exterior lighting fixtures, including landscape lighting, must comply with Section 5.106.8 – Lighting Pollution Reduction of the current California Green Building Code Standards.
 - ii. Exterior lighting shall have a color temperature of 3,500 Kelvin or lower (warm not cool).
 - iii. The exterior lighting shall be controlled by dimmers and timers.
 - iv. Exterior lighting associated with non-residential uses shall be set to turn off at the close of business.
 - v. Motion-activated lighting, otherwise complying with the standards above, may be utilized without time restrictions.
- c. Sign lighting:
- i. Illuminated signs shall not create excessive glare on adjoining streets and properties as determined at the sole discretion of the Planning Director or his/her designee.
 - ii. Illuminated signs shall be controlled by dimmers.
 - iii. Timers shall be set to turn off illuminated signs at the close of business or 11:00 pm, whatever is earlier.

(8) Landscaping.

- a. Landscaped areas
- i. An off-street parking area with 10 or more parking spaces shall have landscaped areas equivalent to at least 10% of the area of the parking lot.
 - ii. One tree is required per every 10 parking spaces; beginning at 11 total spaces. The trees shall be evenly spaced throughout the parking lot to provide uniform shade. For portions of parking areas covered by photo-voltaic solar collectors that also function as shade structures or parking garages, the minimum standard for trees does not apply.
 - iii. Where parking areas adjoin a public right-of-way, a minimum 5-foot wide landscaped planting strip shall be provided.
 - iv. All landscaped areas shall be bordered by a concrete curb that is at least 6 inches high and 6 inches wide.
 - v. Pedestrian paths shall be provided throughout the parking areas and related landscaped areas. Pedestrian paths shall connect the public sidewalks and parking areas to the building entrances in a safe manner.
 - vi. Parking lots shall be separated by at least 10 feet from buildings to provide room for a sidewalk, landscaping, and other planting between the building and the parking area. The required separation between parking lots and buildings may be eliminated to the rear of buildings in areas designed for unloading and loading of materials.
 - vii. Landscaping areas shall integrate stormwater management features per Marin County Stormwater Pollution Prevention Program (MCSTOPP). Curbs within the parking areas shall include breaks to provide drainage to retention and filtration areas.

viii. Where a property line of a site adjoins the Highway 101 right-of-way, a minimum of 10 feet adjoining the property line shall be landscaped with permanently maintained plant materials including screening elements not less than 10 feet in height at the time of planting.

b. Species selection shall comply with the following:

- i. Native and drought tolerant species are required to meet the minimum standards of the Marin Municipal Water District (MMWD) Water Conservation Ordinance 414.
- ii. Landscape selection shall include native and drought tolerant vegetation, applicable to Marin County, in compliance with Water Use Classification of Landscape Species (WUCOLS).
- iii. Landscaping shall comply with Central Marin Fire Standard No. 220 (Vegetation Management Plan).
- iv. Street trees shall be a minimum of 15-gallons, double staked, and planted between the curb and back of sidewalk or planted back of the curb within a minimum 4-foot planting strip.
- v. Street trees shall be planted along the entirety of the street frontage with a maximum spacing of 30 feet on center.
- vi. On-site trees shall be a minimum size of 15-gallons, and 30% shall be a minimum size of 24-inch box.
- vii. Tree height at installation shall be a minimum of 7 feet in vertical distance.
- viii. Minimum tree well size is 5 feet in any direction.
- ix. Shrubs shall be a minimum size of 1 gallon, and 30% shall be a minimum of 5 gallons.
- x. Ground cover shall be used instead of grass/turf.

c. Existing vegetation

- i. On-site trees of any species, except those identified as undesirable species in Chapter 15.50 (Trees), having a caliper size of at least 50 inches circumference shall be incorporated into the landscaping to the extent practicable.
- ii. The removal of an on-site tree of any species, except those identified as undesirable species in Chapter 15.50 (Trees), having a caliper size of at least 30 inches in circumference shall be replaced by a minimum of two 24-inch box trees.

d. Maintenance. Landscaping shall be maintained in a clean and healthy condition. This includes but is not limited to pruning, weeding, removal of litter, fertilizing, replacement of plants or tree grates when necessary, and appropriate irrigation.

(9) Retaining walls & fences.

a. Retaining walls that are visible from the public sidewalk adjoining a site shall:

- i. Not exceed four feet in height as measured from the adjacent finished grade.
- ii. Include a landscape planter in front of the wall. The planter shall be at least 18 inches deep, measured perpendicular to the wall. Installed landscaping shall comply with the applicable standards in subsection 8(b) above.

- (10) Signs. No sign, outdoor advertising structure, or display of any kind shall be permitted except as prescribed in Chapter 18.22, Signs. If there is an approved Master Sign Program for a site, then the standards in the Master Sign Program shall apply. The Signage Design Guidelines shall be applied to the extent practicable.
- (11) All service areas, refuse collection areas and trash bins shall be completely screened by a landscaped solid fence, landscaped masonry wall or compact evergreen hedge not less than six feet in height, with solid gates, or shall be enclosed within a building.
- (12) All off-street loading facilities shall provide for direct loading or transfer of materials and equipment directly to or from vehicles into a building. All loading facilities shall be screened to limit visual impacts on residential uses either on the same site or adjacent sites, and from public streets.
- (13) No use shall be permitted and no process, equipment or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, or heavy truck traffic, or to involve any hazard of fire or explosion.
- (14) No exterior loudspeaker shall be allowed.
- (15) All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except off-street parking and loading areas, outdoor dining areas, courtyards/patios, and outdoor recreational areas provided as part of a residential project. A use not conducted entirely within a completely enclosed structure may be required by the Planning Commission to be wholly or partially screened by a solid fence, masonry wall, or compact evergreen hedge not less than six feet in height.
- (16) The provisions of Section 9.36.030 (Specific Maximum Noise Levels) related to R-2 shall apply.
- (17) The provisions of Section 16.10.080 (Provisions for Flood Hazard Reduction) shall apply to all projects located entirely or partially within the Special Flood Hazard Area.

18.18.1120 – Development standards specific to the HE-1 Neighborhood District.

Development standards for Sites 1 and 2 shall be as prescribed in the following table:

Development Standard	Site 1	Site 2
Density	25 du/ac	25 du/ac ¹
Non-residential square footage, minimum	N/A	3,000 square feet ²
Non-residential square footage, maximum	20%	5,000 square feet
Max. Height to highest eave	34 feet	34 feet
Max. Height overall	40 feet	40 feet
Front Setback, min.	As shown in Figure A	15 feet
Front Setback, max.	N/A	N/A

Rear Setback, min.	As shown in Figure A	15 feet
Side Setback, Interior, min.	As shown in Figure A	5 feet
Side Setback, Street Side, min.	As shown in Figure A	N/A
Side Setback, Street Side, max.	N/A	N/A
Ground Floor Requirements	N/A	Ground floor uses limited to retail use, on-site parking for residential uses, ancillary residential uses such as storage or bicycle parking, and mechanical equipment.
Curb Cuts	Limited to 1 per street frontage	

1. Town-owned land shall not be included in the calculation of permitted density.
2. Non-residential uses on Site 2 must be retail uses on the ground floor and may not include any drive-through use. A drive-through use means any establishment, building, or structure where goods or services are provided, to the customer from a service window accessible to motor vehicles with access provided by a drive-through lane.

Encroachments into minimum setbacks for Sites 1 & 2 are allowed as follows:

Encroachment Type	Front ¹	Side Street ¹	Interior Side	Rear
Architectural features	5 feet max	3 feet max	2 feet max	5 feet max
Stairs/ramps	5 feet max	3 feet max	2 feet max	5 feet max
Balconies	5 feet max	3 feet max	N/A	5 feet max

1. An upper story encroachment into the front or street side setback area requires a minimum of 8 feet vertical clearance.

18.18.1125 – Usable Open Space/Recreational Space Requirements specific to HE-1 District.

- (1) A minimum of 200 square feet per residential unit must be provided as usable open space/recreational space, subject to the following standards:
 - a. Open space/recreational areas may include but are not limited to courtyards, patios, balconies, barbecue areas, bocce courts, swimming pools, gym/fitness centers, community clubhouse, rooftop lounge areas, and playgrounds.
 - b. The usable open space may be common space accessible to more than one dwelling unit, or may be private space for the exclusive use of the residents of a development.

- c. Common open space shall have a minimum area of 300 square feet, and shall have no dimension less than 15 feet.
- d. Private usable open space located at ground level shall have a minimum area of 150 square feet, and shall have no dimension less than 10 feet.
- e. Not more than one-half of the requirement may be satisfied by balconies or roof decks.
- f. Open space/recreational areas may be located anywhere on the same development parcel, including the roof of any building on the site.

18.18.1127 – Special regulations applicable to Site 2 within the HE-1 Subarea

(1) Shared Parking

- a. Parking for the residential component of the project shall not be shared with the commercial uses of the center. Residential parking shall be provided on the ground floor within the residential or mixed-use building. Residential parking shall not be permitted outside of the building or in any parking areas designed for commercial, business, or public use. The owners of the residential use shall provide signage indicating “No Residential Parking” for nearby parking areas designated for commercial, business, or public use.

(2) Residential location

- a. Residential uses are only permitted on the portions of Lot 28 (APN: 026-071-28) that are not subject to a recorded easement agreement for parking or vehicular access.

(3) Construction Management Plan. A residential project or a mixed-use project that includes residential uses at Site 2 shall submit a construction management plan (CMP). The CMP shall be reviewed and approved by the Public Works and Planning Departments prior to issuance of a building permit. The CMP shall include the following measures:

- a. A requirement that fire access through or around the development site, including any construction staging areas, remains open and available throughout construction of the project as prescribed and approved by the Central Marin Fire Department.
- b. A prohibition on any construction use, including for parking or staging, of land subject to a recorded easement agreement for parking or vehicular access.
- c. A prohibition on any construction staging use of public land used for public parking purposes or vehicular access during such time as the development site is in use for any retail activities.
- d. A requirement that any utility trenching work on land subject to a recorded easement agreement for parking or vehicular access be completed between 9:00 pm and 8:00 am and that such land be plated prior to 8:00 am each day so that it is available for uninterrupted parking and vehicular access between 8:00 am and 9:00 pm to the extent that such night work can be authorized and permitted by applicable utility agencies. During night trenching work, there shall nonetheless be access to a portion of the parking in the easement area for the use of evening customers, employees, and contractors. If night work cannot be authorized and permitted by applicable utility agencies, then any daytime utility trenching work on land subject to a recorded easement agreement for parking or vehicular access shall occur on no more than either four (4) parking spaces or one (1) drive aisle at any given time and all other parking spaces and drive aisles shall remain fully open and available for use by customers and employees.

18.18.1130 – Development standards specific to the HE-2 Corridor District.

Development standards for sites 3 through 9 shall be prescribed in the following table:

Development Standard	Site 3	Site 4	Site 5	Site 6	Site 7	Site 8	Site 9
Density	35 du/ac	35 du/ac	35 du/ac	35 du/ac	35 du/ac	35 du/ac	35 du/ac
Non-residential square footage, min.	5%	N/A	5%	N/A	N/A	N/A	N/A
Non-residential square footage, max.	20%	20%	20%	20%	20%	20%	20%
Max. Height	35 feet - 50 feet ¹	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Stepback Minimum ³	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Front Setback, min.	20 feet	10 feet ²	As shown in Figure A	15 feet	15 feet	12 feet	12 feet
Front Setback, max.	30 feet	N/A	A shown in Figure A	N/A	N/A	25 feet	25 feet
Rear Setback, min.	30 feet	15 feet	As shown in Figure A	20 feet	15 feet	15 feet	15 feet
Side Setback, Interior, min.	10 feet	5 feet	As shown in Figure A	5 feet	5 feet	5 feet	5 feet
Side Setback, Street Side, min.	N/A	10 feet ⁴	As shown in Figure A	N/A	10 feet	N/A	12 feet
Side Setback, Street Side, max.	N/A	N/A	As shown in Figure A	N/A	N/A	N/A	25 feet
Curb Cuts	Limited to one per street frontage when the frontage length is less than 300 feet. Frontages that are 300 feet or more may have a maximum of two curb cuts per street frontage.						

1. Height within the Neighborhood Zone (as prescribed in Chapter 18.18) is limited to a maximum of 35 feet and height in the Highway Zone (as prescribed in Chapter 18.18) is limited to a maximum of 50 feet.
2. Front setback is parallel to Tamal Vista Blvd.
3. Stepback required above the 3rd story provided no existing stepback exists; corner elements exempt
4. Street side setback refers to side setback adjacent to the trail

Encroachments into minimum setbacks for sites 3 – 9 are allowed as follows:

Encroachment Type	Front¹	Side Street¹	Interior Side	Rear
Architectural features	3 feet max	3 feet max	1 foot max	5 feet max
Stairs/ramps	3 feet max	3 feet max	1 foot max	5 feet max
Balconies/porches	3 feet max	3 feet max	N/A	5 feet max

1. An upper story encroachment into the front or street side setback area requires a minimum of 8 feet vertical clearance.

18.18.1135 – Usable Open Space/Recreational Space Requirements specific to HE-2 District.

- (1) A minimum of 150 square feet per residential unit must be provided as usable open space/recreational space, subject to the following standards:
 - a. Open space/recreational areas may include but are not limited to courtyards, patios, balconies, barbecue areas, bocce courts, swimming pools, gym/fitness centers, community clubhouse, rooftop lounge areas, and playgrounds.
 - b. The usable open space may be common space accessible to more than one dwelling unit, or may be private space for the exclusive use of the residents of a development.
 - c. Common open space shall have a minimum area of 300 square feet, and shall have no dimension less than 15 feet.
 - d. Private usable open space located at ground level shall have a minimum area of 150 square feet, and shall have no dimension less than 10 feet.
 - e. Not more than one-half of the requirement may be satisfied by balconies or roof decks.
 - f. Open space/recreational areas may be located anywhere on the same development parcel, including the roof of any building on the site.

18.18.1136 – Massing Standards specific to HE-2 District: Standards apply to Sites with a Street Frontage of 250 feet or more

- (1) For facades of residential portions of a project facing a street, the proportion of window openings shall be a minimum of twenty-five percent of the vertical wall area between the ground (finish grade) and the top of the uppermost floor (the percentage does not include parapet height).
- (2) Balcony railings shall have a minimum of twenty percent transparency distributed evenly throughout the railing.
- (3) Facades of residential portions of a project facing a street shall not exceed 150 feet in length without a composition change.
 - a. A façade composition change is a substantial change in architectural elements on adjacent segments of an otherwise flat façade. The result is the impression of separate volumes. To qualify as a façade composition change, adjacent volumes shall feature a change such as one of the following:
 - i. Change in wall cladding materials/colors.
 - ii. Change in window pattern or form.

- iii. Incorporate a sub-volume such as a balcony, bay window, porch, or portico.
 - iv. Utilization of a vertical expression line such as pier, molding, façade offset or butt joints simulating a party wall between adjacent volumes.
- (4) Facades of residential portions of a project facing a street shall not exceed 150 feet in length without a planar change.
- a. A planar change is a change to the primary wall plane resulting in a variation to the depth of the primary wall plane. To qualify as a planar change, the wall plane shall feature a change such as one of the following:
 - i. Utilizing a change to the primary wall plane that is a minimum of three percent of the width of the largest adjacent horizontal façade element.
 - ii. Utilizing a wall insert that is continuous for the full height of the building. Wall insert dimensions shall be as follows:
 - 1. Width of 8 feet minimum; 12 feet maximum; and
 - 2. Depth of 6 feet minimum.

18.18.1140 – Development standards specific to the HE-3 Core District.

Development Standard	Site 10
Density	40 du/ac
Non-residential square footage, minimum	7%
Non-residential square footage, maximum	34%
Max. Height	70 feet ¹
Stepback minimum ²	10 feet
Front Setback, min	As shown in Figure B
Rear Setback, min.	As shown in Figure B

- 1. Refer to Section 18.18.1148 for additional height standards
- 2. Stepback required above 5th story; corner elements exempt

Encroachments into minimum setbacks for site 10 are allowed as follows:

Encroachment Type	Front¹
Architectural features	5 feet max
Stairs/ramps	5 feet max
Balconies	5 feet max

- 1. An upper story encroachment into the front setback area requires a minimum of 8 feet vertical clearance.

18.18.1145 – Usable Open Space/Recreational Space Requirements specific to HE-3 District.

- (1) A minimum of 100 square feet per residential unit must be provided as usable open space/recreational space, subject to the following standards:
 - a. Open space/recreational areas may include but are not limited to courtyards, patios, balconies, barbecue areas, bocce courts, swimming pools, gym/fitness centers, community clubhouse, rooftop lounge areas, and playgrounds.
 - b. The usable open space may be common space accessible to more than one dwelling unit, or may be private space for the exclusive use of the residents of a development.
 - c. Common open space shall have a minimum area of 300 square feet, and shall have no dimension less than 15 feet.
 - d. Private usable open space located at ground level shall have a minimum area of 150 square feet, and shall have no dimension less than 10 feet.
 - e. Not more than one-half of the requirement may be satisfied by balconies or roof decks.
 - f. Open space/recreational areas may be located anywhere on the same development parcel, including the roof of any building on the site.
- (2) Public Space Requirements
 - a. A minimum contiguous quarter-acre public plaza shall be provided to create connectivity from the project site to the adjacent Village Retail Center. The plaza shall include but not be limited to landscaping, hardscape, lighting, and public seating areas.
 - b. An additional quarter-acre shall be provided elsewhere on the site, and may include pocket parks, walkways, and landscaping. This area is not required to be contiguous.

18.18.1146 – Building Massing Articulation Standards for HE-3 Sub-area

- (1) For facades of residential portions of a project facing a street, the proportion of window openings shall be a minimum of twenty-five percent of the vertical wall area between the ground (finish grade) and the top of the uppermost floor (the percentage does not include parapet height).
- (2) Balcony railings shall have a minimum of twenty percent transparency distributed evenly throughout the railing.
- (3) Facades of residential portions of a project facing a street shall not exceed 200 feet in length without a composition change.
 - a. A façade composition change is a substantial change in architectural elements on adjacent segments of an otherwise flat façade. The result is the impression of separate volumes. To qualify as a façade composition change, adjacent volumes shall feature a change such as one of the following:
 - i. Change in wall cladding materials/colors.
 - ii. Change in window pattern or form.
 - iii. Incorporate a sub-volume such as a balcony, bay window, porch, or portico.
 - iv. Utilization of a vertical expression line such as pier, molding, façade offset or butt joints simulating a party wall between adjacent volumes.

- (4) Facades of residential portions of a project facing a street shall not exceed 200 feet in length without a planar change.
 - a. A planar change is a change to the primary wall plane resulting in a variation to the depth of the primary wall plane. To qualify as a planar change, the wall plane shall feature a change such as one of the following:
 - i. Utilizing a change to the primary wall plane that is a minimum of three percent of the width of the largest adjacent horizontal façade element.
 - ii. Utilizing a wall insert that is continuous for the full height of the building. Wall insert dimensions shall be as follows:
 1. Width of 8 feet minimum; 12 feet maximum; and
 2. Depth of 6 feet minimum.

18.18.1148 – Building Height Articulation and Measurement for HE-3 Sub-area

- (1) Building shall be composed of at least three substantially different building heights.
- (2) Buildings shall have a maximum height of 70 feet with a maximum 52 foot average. 35% minimum of building footprint shall be no more than 25 feet; 35% maximum of building footprint may be 60 feet to 70 feet.
 - a. Maximum building height of 50 feet is permitted within 50 feet of Redwood Highway or Tamalpais Drive.
 - b. Maximum building height of 60 feet is permitted within 100 feet of Redwood Highway or Tamalpais Drive.
- (3) Ground level residential shall be elevated a minimum of 18 inches above finished grade, with a 36 inch maximum.
- (4) Overall building height shall be measured from the finished floor elevation of the ground level residential.

18.18.1150 –Affordable housing requirements.

Any new residential development project with dwelling units intended or designed for permanent occupancy shall be developed to provide affordable housing units to very low, low, moderate, and above moderate-income households in accordance with the provisions of the *Town of Corte Madera Guidelines for the Administration of Affordable Housing in Section 18.24.120*.

18.18.1155 – Density Bonus.

The total cumulative bonus allowed for any project shall not exceed the bonus allowed by the State density bonus requirements as codified in Government Code Section 65915. An application for a State density bonus shall be submitted to the Planning Department pursuant to Section 18.24.125.

18.18.1160 – Plan Review.

Notwithstanding the provisions of Section 18.18.015 and Section 18.18.020, preliminary and precise plans shall not be required in the Housing Element Overlay District. Development in the Housing Element Overlay District shall be subject to Design Review.

18.18.1165 Preliminary Review Required.

An applicant seeking to develop a residential project, a mixed-use project that include residential uses, or a residential care facility shall submit an application for preliminary review with the Planning Department and the applicant's project shall require a minimum of one public meeting at a Study Session before the Planning Commission, unless expressly prohibited by state law.

18.18.1170 – Fee Reductions.

The Town Council may waive, reduce or rebate fees (e.g. traffic impact mitigation fees, commercial linkage fees, and park dedication fees) for any residential development project that exceeds the inclusionary requirement as set forth in the *Town of Corte Madera Guidelines for the Administration of Affordable Housing in Section 18.24.120* by a minimum of 10%.

18.18.1175 – General provisions and exceptions.

Notwithstanding the provisions set forth in this section, the following exceptions shall apply:

- (1) Elevator penthouses, stairwells, and mechanical appurtenances covering not more than 10% of the ground area covered by the structure may be erected to a height not more than ten feet above the height limits prescribed in Sections 18.18.1120, 18.18.1130, and 18.18.1140.
- (2) Encroachments into minimum setbacks are allowed as stated in Sections 18.18.1120, 18.18.1130 and 18.18.1140.
- (3) Ramps required to provide ADA access are allowed within setbacks, but shall not encroach within the public right-of-way.

Figure A: Development Standards for Site 1 & 5

Site 1: 111 Lucky Drive

Site 5: 2 Fifer Ave., 10 Fifer Ave, 110 Nellen Ave, 150 Nellen Ave
(4 parcels)

*note not to scale

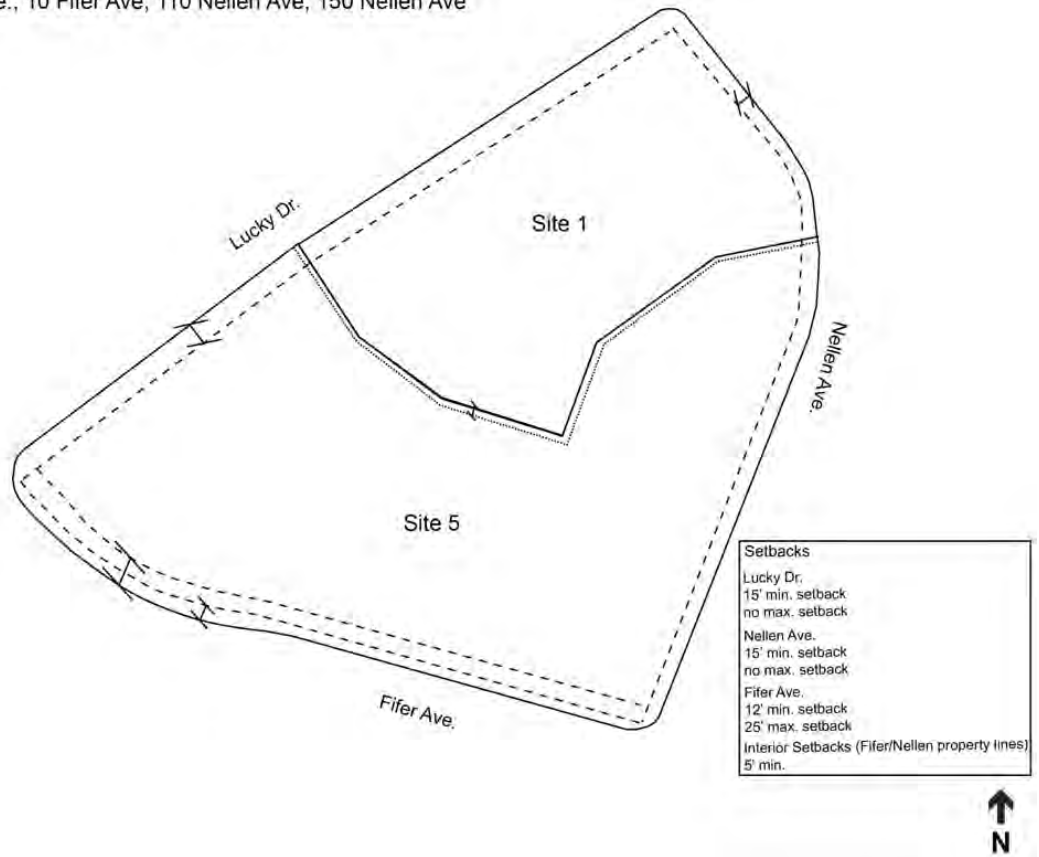
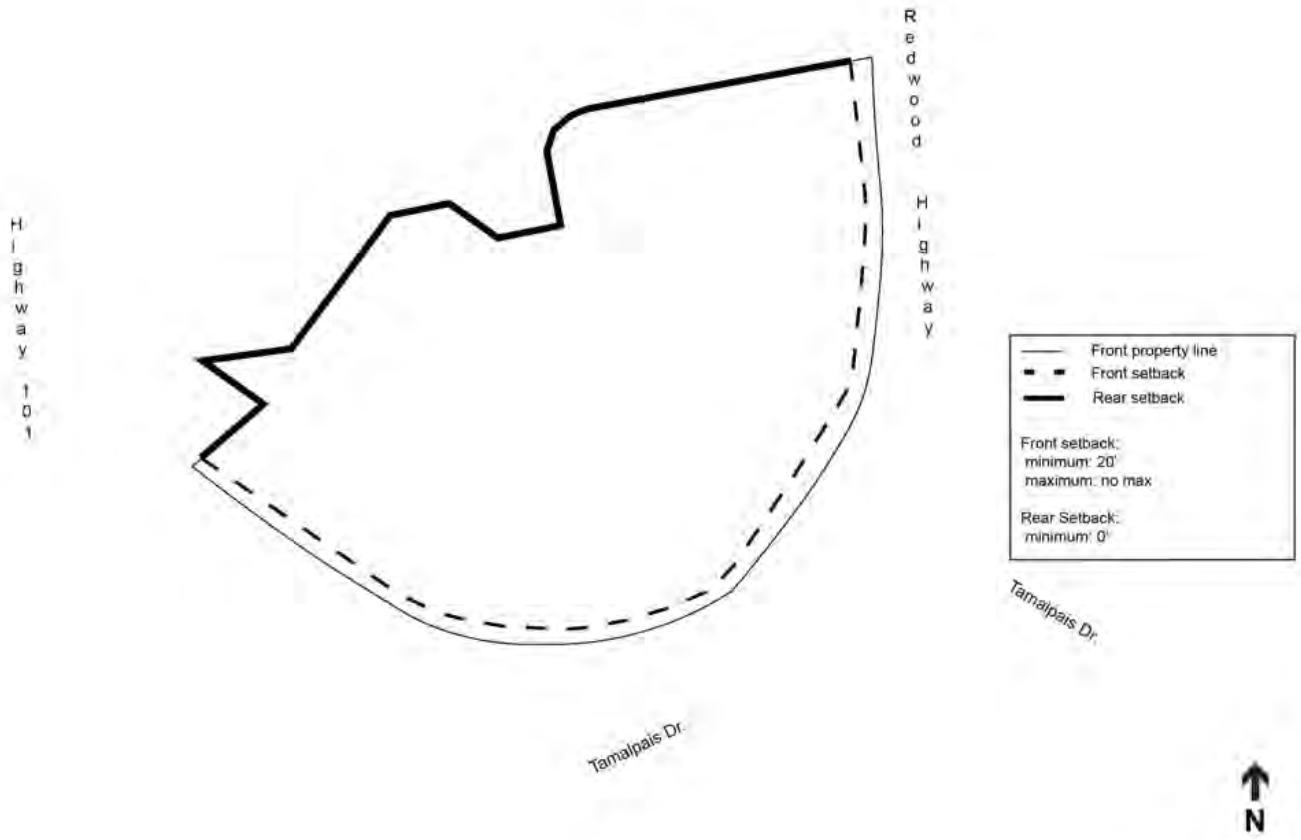


Figure B: Development Standards for Site 10: 1400 Redwood Highway



Section 7. Zoning Map Amendments

The Town Zoning Map is hereby amended by changing the existing C-3 Zoning District with the Housing Element Overlay Zoning District, HE-1 Subarea for Site 1:

- 111 Lucky Drive (024-041-17)

and changing the C-1 Zoning District with the Housing Element Overlay Zoning District, HE-1 Subarea for Site 2:

- 5651 Paradise Drive (026-071-28) and 2 Town owned parcels (026-071-65 & 026-071-66)

and changing the MX-1 Zoning District with the Housing Element Overlay Zoning District, HE-2 Subarea for Site 3:

- 41 Tamal Vista Blvd. (024-031-25)

and changing the M Zoning District with the Housing Element Overlay Zoning District, HE-2 Subarea for Site 4:

- 400 Tamal Plaza (024-011-70) & 500 Tamal Plaza (024-011-71)

and changing the C-3 Zoning District with the Housing Element Overlay Zoning District, HE-2 Subarea for Site 5:

- 2 Fifer Avenue (024-041-15), 10 Fifer Avenue (024-041-02), 110 Nellen Drive (024-041-12) & 150 Nellen Drive (024-041-16)

and changing the C-4 Zoning District with the Housing Element Overlay Zoning District, HE-2 Subarea for Site 6:

- 5804 Paradise Drive (026-011-27)

and changing the C-4 Zoning District with the Housing Element Overlay Zoning District, HE-2 Subarea for Site 7:

- 5750 Paradise Drive (026-021-20, 026-021-15 & 026-021-19)

and changing the M Zoning District with the Housing Element Overlay Zoning District, HE-2 Subarea for Site 8:

- 100 Tamal Plaza (024-011-67)

and changing the O Zoning District with the Housing Element Overlay Zoning District, HE-2 Subarea for Site 9:

- 240 Tamal Vista Blvd. (024-011-66)

and changing the C-2 Zoning District with the Housing Element Overlay Zoning District, HE-3 Subarea for Site 10:

- 1400 Redwood Highway (024-032-22)

These changes are described in Exhibit "A."

Section 8. 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.

Section 9. Effective Date

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

Section 10. Posting

The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent Journal within 5 days prior to passage and within 15 days after passage.

* * * * *

This ordinance was introduced on the 11th day of January, 2023, and adopted on the _____ day of _____, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

CHARLES LEE, MAYOR

ATTEST:

REBECCA VAUGHN, TOWN CLERK

Attachments:

- 1. Exhibit A: Zoning Map Amendment

EXHIBIT A TO ATTACHMENT 3
ZONING ORDINANCE MAP AMENDMENT

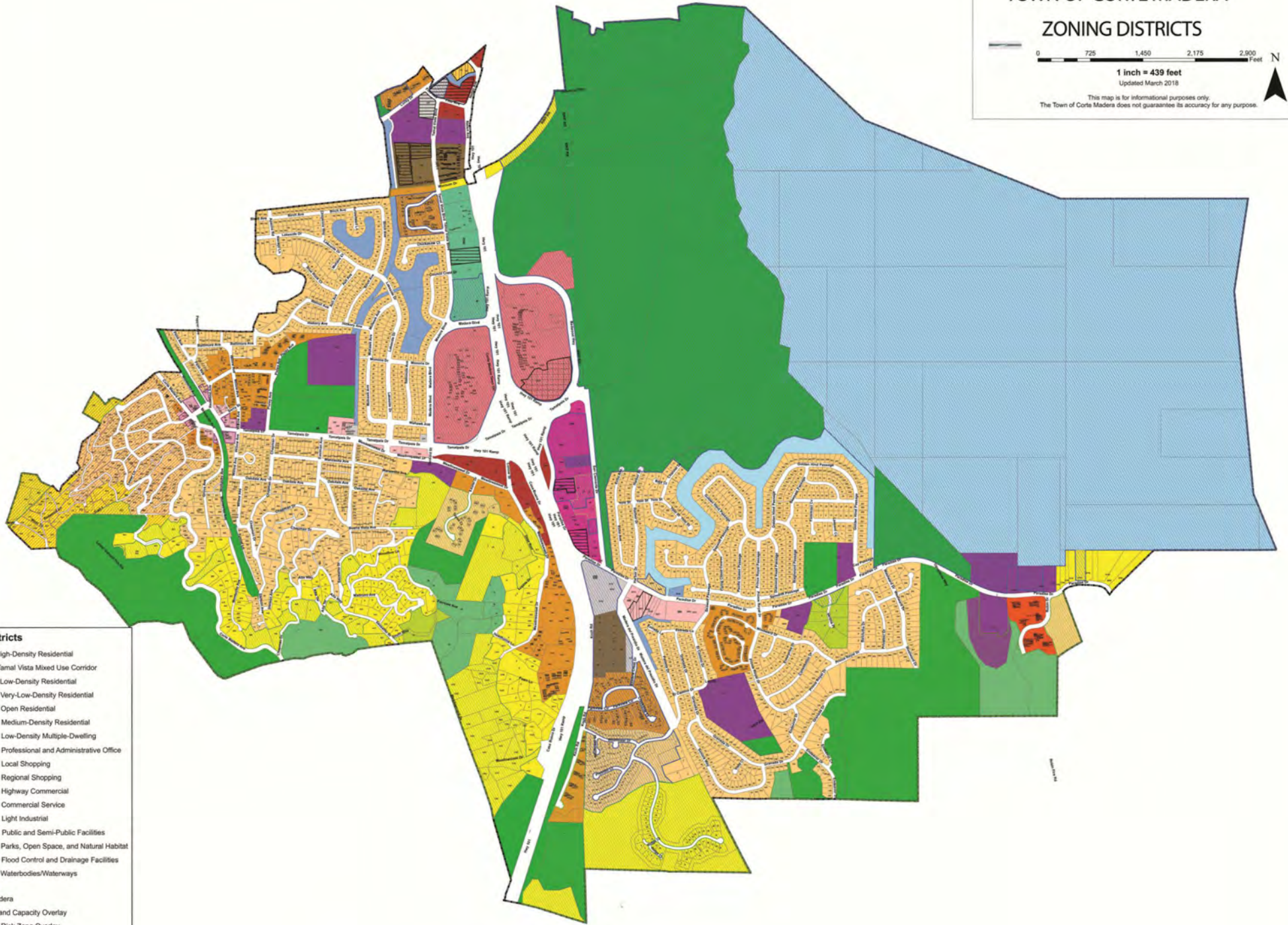
TOWN OF CORTE MADERA

ZONING DISTRICTS



1 inch = 439 feet
Updated March 2018

This map is for informational purposes only.
The Town of Corte Madera does not guarantee its accuracy for any purpose.



- Zoning Districts**
- R-3 High-Density Residential
 - MX-1 Tamal Vista Mixed Use Corridor
 - R-1-A Low-Density Residential
 - R-1-B Very-Low-Density Residential
 - R-1-C Open Residential
 - R-1 Medium-Density Residential
 - R-2 Low-Density Multiple-Dwelling
 - O Professional and Administrative Office
 - C-1 Local Shopping
 - C-2 Regional Shopping
 - C-3 Highway Commercial
 - C-4 Commercial Service
 - M Light Industrial
 - P/SP Public and Semi-Public Facilities
 - POS Parks, Open Space, and Natural Habitat
 - FC Flood Control and Drainage Facilities
 - W Waterbodies/Waterways
- Town Limits**
- Corte Madera
 - Hillside Land Capacity Overlay
 - Baylands Risk Zone Overlay
 - Christmas Tree Hill Overlay
 - Affordable Housing Overlay
 - Affordable Housing Optional Overlay
 - Affordable Housing Mixed Use Overlay
 - Housing Element Overlay District, HE-1
 - Housing Element Overlay District, HE-2
 - Housing Element Overlay District, HE-3