



**TOWN OF CORTE MADERA
PLANNING AND BUILDING DEPARTMENT**

MEMORANDUM

June 8, 2020

TO: Corte Madera Town Councilmembers

FROM: Adam Wolff, Director, Planning and Building

SUBJECT: Revisions to Draft Ordinance 995 – Hotel Floor Area Bonus

This memo discusses proposed revisions to Draft Ordinance 995 that are intended to address some of the public comments received by the Marin Audubon Society and the Friends of the Corte Madera Creek Watershed prior to May 26, 2020 Corte Madera Planning Commission public hearing on the Hotel Floor Area Bonus Ordinance project. These public comment letters (and an initial response memo from the Town's environmental consultant) can be found in Attachment 8 of the staff report prepared for the Town Council's June 9, 2020 public hearing on this item (Item 5.A. of the June 9, 2020 Town Council meeting agenda).

In response to the comment letters received, Revised Draft Ordinance 995, attached to this memo, has been revised as follows:

- 1) Section 18.12.050 and Section 18.13.040, Finding (1)(B) has been revised to clarify the intent of how the Planning Commission should review a proposed hotel bonus project with respect to existing natural features on a project site. The specific revision is noted below using underline to show added text.

(B) The project respects and exhibits natural systems, including existing ponds and wetlands and other natural features, through building siting, programming, and orientation; and

- 2) Section 18.12.050 and Section 18.13.040, Condition (4) has been added to reflect the recommendations in the Initial Study/Mitigated Negative Declaration (IS/MND) that bird-safe design be considered as part of the review of future hotel projects pursuant to the Hotel Floor Area Bonus Ordinance. Condition (4) is included below in underline text.

(4) The project shall incorporate one or more of the following bird-safe design measures:

- (A) Non-Reflective Glass: No reflective glass shall be used in the building; exterior glass in the building shall have a light reflectance value of less than 15 percent;

- (B) Fritted Glass: Fritted glass shall be used on upper floors (i.e., above the second floor) to reduce bird strikes. The applicant may substitute other non-reflective glass that is shown to be equally effective in reducing bird strikes.
- (C) Lighting: There shall be no exterior uplighting of the building. All on-site lighting shall be low-level illumination and shielded to reduce spill or glare.
- (D) Tree Screening on lower floors: This measure shall not be used by itself unless applicant plants trees of sufficient number and size to screen the windows which they are intended to cover.
- (E) Reduction of Unnecessary Interior Lighting: Energy conservation measures, including automatic sensors to turn off lights when guests are not present in the rooms.

These revisions to Ordinance 995 do not alter the conclusions or affect the environmental analysis that was conducted for this project.

Adam Wolff

Attachments:

1. Revised Draft Ordinance No. 995

ORDINANCE NO. 995

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
ADOPTING AMENDMENTS TO TITLE 18 OF THE CORTE MADERA
MUNICIPAL CODE TO AMEND CHAPTERS 18.12 – COMMERCIAL DISTRICTS
AND 18.13 – MIXED USE DISTRICTS TO 1) PERMIT HOTELS AS A CONDITIONAL
USE IN THE C-4 ZONING DISTRICT; AND 2) INCREASE THE PERMITTED FLOOR
AREA RATIO (FAR) AND HEIGHT FOR HOTEL USES IN C-3, C-4 AND MX-1
ZONING DISTRICTS, THROUGH THE CREATION OF A FLOOR AREA BONUS**

WHEREAS, hotels provide an important community amenity and resource for the Town’s residents and businesses; and

WHEREAS, hotels currently provide the Town and local businesses with significant economic benefits. Retaining existing hotels and attracting new hotels is important to the Town’s long-term fiscal health; and

WHEREAS, existing the existing floor area ratio (FAR) of .34 does not generally reflect the developed FAR of existing hotel properties in Town, and therefore does not permit the expansion of existing hotel facilities or redevelopment of existing hotels at their existing size; and

WHEREAS, the existing FAR permitted for hotels does not generally reflect the size of new hotels that have been developed or proposed in Marin County in the recent past and therefore is unlikely to attract new hotel development to Town; and

WHEREAS, the 2009 General Plan includes policies and programs relating to commercial infill development and economic development that call for, under certain circumstances, permitting greater density or FAR, or flexible development standards; and

WHEREAS, the Town desires high quality hotel development that meets the Town’s objectives for good design and aesthetic appeal, environmental sustainability, community integration, and enhancement to the public realm; and

WHEREAS, on February 20, 2018, a public meeting of the Corte Madera Town Council was held and staff received direction to propose amendments to the Zoning Ordinance that would increase the floor area permitted for hotels provided such hotels met certain standards for quality development; and

WHEREAS, on July 24, 2018, staff presented for discussion a conceptual framework permitting additional floor area ratio (FAR) for hotels/motels to the Corte Madera Planning Commission at its regularly scheduled meeting; and

WHEREAS, at such meeting, staff received direction to explore a more systematic and objective approach toward the assignment of additional FAR, where possible; and

WHEREAS, at the November 13, 2018 Planning Commission regularly scheduled meeting, staff presented for discussion a revised conceptual framework based on the direction provided by the Planning Commission at its July 24, 2018 public meeting; and

WHEREAS, at such meeting, staff received direction to propose a zoning ordinance amendment for review by the Planning Commission reflecting the conceptual framework presented and comments provided; and

WHEREAS, on March 29, 2019, a notice of public hearing was placed in three public places in accordance with the Corte Madera Municipal Code and mailed to current property owners of existing hotels, and on March 30, 2019, a notice of public hearing was published in the Marin IJ; and

WHEREAS, on April 9, 2019, the Planning Commission held a public hearing on the proposed zoning ordinance amendment, reviewed the staff report, received a staff presentation, and comments from the public; and

WHEREAS, on April 9, 2019, the Planning Commission approved Resolution No. 19-015, recommending to the Corte Madera Town Council approval of the proposed zoning ordinance amendment as drafted in the staff report prepared for the meeting; and

WHEREAS, on August 20, 2019, as a result of public comment, the Corte Madera Town Council provided direction to staff to prepare additional environmental analysis related to the proposed zoning ordinance amendment pursuant to CEQA; and

WHEREAS, the Town contracted with Placeworks to conduct an environmental review of the proposed project; and

WHEREAS, staff conducted additional reviews of the proposed zoning ordinance amendment and made revisions to improve clarity and add substantive changes as described in the staff report for the May 26, 2020 Planning Commission meeting; and

WHEREAS, on April 23, 2020 the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) and Notice of Public Hearing for the project were mailed to all interested parties on file with the Town and placed in three public places in accordance with the Corte Madera Municipal Code; and

WHEREAS, on April 24, 2020, the Notice of Intent to Adopt a MND for the project was filed with the County Clerk and the Draft MND was posted on the Town's website, and a notice of its availability was sent via News Flash to those registered to receive such emails from the Town, and posted on Next Door; and

WHEREAS, on April 24, 2020 the Notice of Completion and Draft Initial Study/MND for the project was filed with the State Clearinghouse beginning a 30-day public review period; and

WHEREAS, on April 25, 2020, the Notice of Intent to Adopt a Mitigated Negative Declaration

and Notice of Public Hearing for the project was published in the Marin Independent Journal; and

WHEREAS, on May 14, 2020, a Planning Commission public hearing notice was mailed to all those interested parties on file with the Planning Department, and placed in three public places in accordance with the Corte Madera Municipal Code; and

WHEREAS, on May 15, 2020, a Planning Commission public hearing notice was posted on the Town's website, and a notice of its availability was sent via News Flash to those registered to receive such emails from the Town, and posted on Next Door; and

WHEREAS, on May 26, 2020, the Corte Madera Planning Commission held a public hearing via videoconference pursuant to California Governor Executive Order N-29-20 (March 17, 2020) on the Initial Study/Mitigated Negative Declaration and the proposed zoning ordinance amendment, reviewed the staff report, received a staff presentation, and comments from the public; and

WHEREAS, by a vote of 5-0, the Corte Madera Planning Commission unanimously approved Resolution Nos. 20-005 and 20-006, recommending that the Corte Madera Town Council approve the Initial Study/MND and adopt the proposed zoning ordinance amendment; and

WHEREAS, on May 28, 2020, a notice of Town Council public hearing was mailed to all those interested parties on file with the Planning Department, and placed in three public places in accordance with the Corte Madera Municipal Code; and

WHEREAS, on May 29, 2020, a notice of Town Council public hearing notice was posted on the Town's website, and a notice of its availability was sent via News Flash to those registered to receive such emails from the Town, and posted on Next Door; and

WHEREAS, on May 30, 2020, a notice of Public Hearing for the project was published in the Marin Independent Journal; and

WHEREAS, on June 9, 2020, the Corte Madera Town Council held a public hearing via videoconference pursuant to California Governor Executive Order N-29-20 (March 17, 2020) on the Initial Study/Mitigated Negative Declaration and the proposed zoning ordinance amendment, reviewed the staff report, received a staff presentation and public comments; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission 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 recommendation includes, but is not limited to:

(1) the 2009 General Plan, (2) the FEIR certified for the 2009 General Plan, including the appendices and technical reports cited in and/or relied upon in preparing the FEIR, (3) the Initial Study/Mitigated Negative Declaration for the Hotel Floor Area Bonus Zoning Ordinance Amendment, including the Mitigation Monitoring and Reporting Program, (4) Exhibit A of this Resolution including the Hotel Floor Area Bonus Zoning Ordinance Amendment, (5) all staff reports, Town files and records and other documents prepared for and/or submitted to the Commission relating to the Hotel Floor Area Bonus Zoning Ordinance Amendment, (6) all documentary and oral evidence received at public hearings and meetings or submitted to the Town relating to the project, and (7) all matters of common knowledge to the Commission and the Town, including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town and its surrounding areas.

The location and custodian of the Record is the Planning Director of the Town of Corte Madera, 300 Tamalpais Drive, Corte Madera, CA 94925.

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

The Town Council of the Town of Corte Madera has reviewed the Mitigated Negative Declaration (MND) and Mitigation, Monitoring, and Reporting Plan (MMRP) prepared for the Hotel Floor Area Bonus Ordinance, and based on its independent judgement and analysis determines that the MND was prepared in accordance with the CEQA and that based on the whole record, including public comments received during the public review process, finds there is not substantial evidence that the project will have a significant effect on the environment.

In particular, the Town Council has reviewed the Mandatory Findings of Significance (Section 4; Chapter XXI of the Initial Study/Mitigated Negative Declaration) and concurs with the findings that the Project will have a less than significant impact on the environment for the reasons specified as more fully described in Town Council Resolution No. 22/2020.

4. Findings

General

The Town Council finds that the Hotel Floor Area Bonus Zoning Ordinance Amendment is in the best interest of the Town by promoting the development of new or redevelopment of existing hotels. Hotels provide an important amenity to the Town's residents and businesses. Furthermore, the Council recognizes that hotels can provide vital economic benefits to the Town and that promoting their development in appropriate locations is in the best long-term interests of supporting the Town's quality of life. The amendment also would ensure that a zoning mechanism exists to rebuild existing hotels in Town at their existing size or close to their existing size if such structures were destroyed and that new hotels constructed pursuant to this amendment are required to meet the Town's objectives for design and aesthetics, environmental sustainability, community integration, and contributions to the public realm.

Consistency with the 2009 Corte Madera General Plan

The Town Council finds that the Hotel Floor Area Bonus Zoning Ordinance Amendment is consistent with the General Plan's goals, policies and programs because it furthers the Town's goals to attract desired land uses within the Mixed-Use Commercial land use designation and allows for greater intensity in appropriate locations as outlined in the development objectives for the San Clemente/Paradise Drive Community Plan Area, the Fifer/Tamal Vista Boulevard Community Plan Area, and the Casa Buena/Tamalpais Community Plan Area.

Policy LU-1.5: Identify opportunities to achieve desired land uses and physical improvements in the San Clemente Drive/Paradise Drive area.

Implementation Program LU-1.5.a: Prepare Community Plan

Prepare a Community Plan that encompasses lands in and around the San Clemente Drive/Paradise Drive area and which achieves the following objectives:

Development Objectives:

- Allow for the intensity of land use to be relatively intense compared to current uses. Higher floor-area ratios (FARs) may be allowed, compared to existing development within the Community Plan area, and could include substantial redevelopment of existing sites. Higher FARs would be allowed when there is a demonstrated and extraordinary benefit provided to the Town in terms of job creation, exceptional design character, and other criteria established in the Community Plan related to redevelopment of existing sites, and where traffic and environmental impacts can be mitigated to acceptable levels.¹

The additional FAR and findings related to ensuring design quality, environmental sustainability, community integration, and enhanced pedestrian and bicycle networks included in the zoning ordinance amendment are consistent with the Town's General Plan policies and implementation programs for infill development, in particular, Policy LU-3.3 and LU-3.5. These policies and implementation programs, listed below, explicitly call for zoning amendments that increase floor area for infill development that is consistent with infill development policies. The proposed zoning ordinance amendment would create a zoning bonus mechanism called for in Implementation Program LU-3.3.a and require findings be made for hotel development that ensure compliance with Policy LU-3.5 and Implementation Program LU-3.5.a, and other infill development policies and programs of the General Plan.

Policy LU-3.3: Provide for increased floor area for new infill development.

Implementation Program LU-3.3.a: Infill Floor Area

Consider Community Plan policies and Zoning Ordinance amendments to allow bonuses to maximum floor area ratios for infill development that demonstrates substantial compliance with General Plan infill policies.

¹ This same policy and objective exist for the proposed Fifer/Tamal Vista Boulevard Community Plan area and the proposed Casa Buena/Tamalpais Drive Community Plan area.

Policy LU 3.5: Require that infill development include high quality design and site planning techniques.

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 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.

The extent to which infill projects incorporate green building features and sustainability principles shall also be considered in environmental and development review.

The Hotel Floor Area Bonus Zoning Ordinance Amendment promotes the economic development of the Town by increasing the likelihood that hotel development or redevelopment will occur. This is accomplished by providing flexible development standards in the form of bonus floor area and addition height, provided that the resulting development is consistent with the other development objectives and goals described above. The zoning ordinance amendment is therefore consistent with Policy LU-5.2 and Implementation Program LU-5.2.a, described below.

Policy LU-5.2: Promote economic development through use of flexible development standards and fees.

Implementation Program LU-5.2.a: Zoning Ordinance Amendments

Consider adoption of Zoning Ordinance amendments that provide flexible development standards (such as reduced on-site or shared parking, increased building heights, reduced setbacks, etc.) to attract highly desirable economic development land uses. Such standards shall only be implemented where it can be demonstrated that no adverse traffic, aesthetic or land-use compatibility impacts will result.

Furthermore, the proposed zoning amendment would be applicable only to properties located within the Mixed-Use Commercial land use designation of the General Plan. Importantly, the

additional of hotel uses as a conditional use in the C-4 Zoning District is consistent with the wide variety of uses, from a wide range of commercial to residential uses, envisioned in the Mixed-Use Commercial Land Use Designation in the General Plan. Further, the Mixed-Use Commercial land use designation permits increases to non-residential FAR consistent with applicable provisions of the Zoning Ordinance.

Findings Associated with Section 18.36.090

In order to add hotel uses to the list of conditional uses permitted in the C-4 zoning district, the Corte Madera Town Council must make the following findings pursuant to Section 18.36.090 of the Corte Madera Municipal Code:

- (1) Addition of the use to the list will be consistent with the general plan and will be in accord with the purposes of the district in which it is proposed to be added

The addition of hotel uses as a conditional use in the C-4 zoning district is consistent and compatible with the Town's General Plan Mixed-Use Commercial land use designation, which is designated throughout the C-4 zoned areas. The Mixed-Use Commercial land use designation is intended to support infill activities, and site and building redevelopment of existing neighborhood commercial centers and along commercial corridors. Allowable uses include office, light industrial (non-manufacturing), and commercial services, as well as new housing developments. 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), thereby reducing the need for extensive automobile travel. Hotels are commercial service uses and can also provide quasi-residential accommodations for both short and longer-term visitors to the area. Hotels are well-suited to co-exist with a mix of commercial and residential uses given that any negative impacts derives from commercial service uses are temporary in nature given the transient occupancy of hotel users. The location of hotel uses in close proximity to other commercial services reduce vehicle trips and length of vehicle trips by hotel visitors and help support local businesses.

Hotel uses will be in accord with the purposes of the C-4 zoning district because it is a use that has relatively low vehicle trip generation rates, serves both local and regional populations, and generally need to have convenient access to the freeway.

- (2) The use will be an appropriate addition to the list because it has the same basic characteristics as other uses listed in the regulations

Hotels are an appropriate addition to the list of uses in the C-4 district since the C-4 district permits a wide variety of commercial service uses including automobile sales, business and professional schools, appliance sales stores, furniture stores, restaurants, service stations that are generally found in commercial shopping areas with easy access to highways in order to attract visitors from outside the immediate area to the Town.

- (3) The use will not be detrimental to the public health, safety or welfare

Hotel uses would be consistent with the mix of uses found in the C-4 zoning district as discussed above. Introduction of hotel uses would not result in any environmental impacts that could not be mitigated to a less than significant level as documented in the IS/MND approved in conjunction with this Ordinance through Resolution No. 22/2020. Rather, hotel uses will provide significant economic benefits to the Town and will result in additional activity throughout day and nighttime hours in an area where currently there are few eyes on the street.

- (4) The use will not adversely affect the character of any district in which it is proposed

The character of the uses in the C-4 district is currently a mix of commercial service, light industrial and residential uses ranging from open air storage uses of construction equipment to a multi-family apartment complex. It is mixed-use district which lacks a cohesive character and therefore, hotel uses will not adversely affect the current character of this area.

- (5) The use will not create more vehicular traffic than the volume created by uses presently on the list

Hotel uses, similar to residential uses, create relatively little vehicular traffic when compared to regional commercial service uses such as furniture stores, automobile service stations, car washes, commercial recreation uses, pharmacies, offices buildings, and parcel delivery services, which are all permitted or conditionally permitted uses in the C-4 zoning district, and which draw vehicles throughout the day rather than morning and evening trips.

- (6) The use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence, than the amount created by the uses presently on the list.

When compared to the other uses permitted or conditionally permitted in the C-4 zoning district, such as car washes, animal boarding, machine shops, recycling centers, lumberyards, and building materials yards, hotel uses will operate generally within fully enclosed buildings, do not by their nature create smoke, dust, illumination, or other objectionable influence, and will be required to meet current building standards for commercial service and residential uses. As a result, they will not create more objectionable influences than the amount created by the uses permitted or currently permitted in the C-4 zoning district.

5. Amendments to the Corte Madera Municipal Code

Subsections 18.12.020, 18.12.340, 18.13.145(a), and 18.13.150(c) of Chapter 18 of the Corte Madera Municipal Code are amended, and subsections 18.12.050 and 18.13.040 are added to Chapter 18 of the Corte Madera Municipal Code as documented in Exhibit A, attached hereto.

6. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.

The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional on their face or as applied.

7. Effective Date

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

8. Posting

The 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 9th day of June, 2020, and adopted on the _____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

ELI BECKMAN, MAYOR

ATTEST:

REBECCA VAUGHN
TOWN CLERK

EXHIBIT A
AMENDMENTS TO CHAPTER 18 OF CORTE MADERA MUNICIPAL CODE

**PROPOSED AMENDMENTS TO
CHAPTER 18 – ZONING**

**CHAPTER 18.12 – C - COMMERCIAL DISTRICTS; AND
CHAPTER 18.13 – MX - MIXED USE DISTRICTS**

New proposed text shown in underline; Text to be removed shown in ~~strikeout~~

18.12 – C Commercial Districts

I. General Provisions

18.12 – C Commercial Districts

I. General Provisions

18.12.020 - Permitted and conditional uses in commercial districts.

The following schedule indicates by the symbol "X" the permitted and conditional uses in each commercial district.

Conditional Uses	Local Shopping C-1	Regional Shopping C-2	Highway Commercial C-3	Commercial Service C-4
Hotels and motels	X	X	X	X

18.12.050 - Special floor area ratio provisions for hotels in the C-3 and C-4 zoning district

- a) Notwithstanding the floor area ratio standards in Section(s) 18.12.340 and 18.12.435, the FAR for hotels and any ancillary uses, including but not limited to restaurants or conference facilities, on lots within the C-3 and C-4 zoning district that have a net area of land greater than one acre, may be increased up to .70 FAR (in accordance with the FAR assignment schedule described in this Section) if a proposed project meets all of the below conditions and the Planning Commission makes all of the below findings. The floor area devoted to required parking shall not be counted in the calculation of a project's FAR.
- b) Notwithstanding the height standards in Section(s) 18.12.335 and 18.12.430, the height for hotels and any ancillary uses, including but not limited to restaurants or conference facilities, may be increased to a maximum of 47 feet if a proposed project meets all of the below conditions and the Planning Commission makes all of the below findings.
- c) The increased floor area for hotels permitted in this Section and in Section 18.13.050 shall only be applied to four lots in total, and no more than two lots in each Hotel Bonus

Area. The Hotel Bonus Areas are shown in Figure 1.

Conditions

- (1) A proposed project on a lot located entirely or partially within the Special Flood Hazard Area shall meet the Town of Corte Madera's development requirements for residential construction in a Special Flood Hazard Area pursuant to Section 16.10.080(3) of the Corte Madera Municipal Code and shall be subject to otherwise applicable requirements of Title 16; and
- (2) An applicant seeking to utilize the provisions described in this section shall submit an application for preliminary review with the Planning Department and the applicant's project shall require a minimum of one public hearing at a Study Session before the Planning Commission. A primary purpose of the Study Session shall be to preliminarily evaluate the proposed project in light of the additional FAR requested, consistent with the findings and additional FAR assignment schedule described in this Section; and
- (3) An applicant shall hold at least one applicant-sponsored community meeting to solicit feedback and comments from community members prior to submission of an application for preliminary review.
- (4) The project shall incorporate one or more of the following bird-safe design measures:
 - (A) Non-Reflective Glass: No reflective glass shall be used in the building; exterior glass in the building shall have a light reflectance value of less than 15 percent;
 - (B) Fritted Glass: Fritted glass shall be used on upper floors (i.e., above the second floor) to reduce bird strikes. The applicant may substitute other non-reflective glass that is shown to be equally effective in reducing bird strikes.
 - (C) Lighting: There shall be no exterior uplighting of the building. All on-site lighting shall be low-level illumination and shielded to reduce spill or glare.
 - (D) Tree Screening on lower floors: This measure shall not be used by itself unless applicant plants trees of sufficient number and size to screen the windows which they are intended to cover.
 - (E) Reduction of Unnecessary Interior Lighting: Energy conservation measures, including automatic sensors to turn off lights when guests are not present in the rooms.

Findings

- (1) The project provides a significant contribution to the aesthetics of the Town's built environment and integration with natural features and incorporates all of the below site and architectural design principles:
 - (A) The totality of the project is designed with a coherent, site-specific architectural idea, that harmonizes the relationships between project components and between the project and adjacent buildings, streets, open spaces, and natural setting, through the use of appropriate building scale, massing, fenestration, exterior materials, and landscape design; and
 - (B) The project respects and exhibits natural systems, including existing ponds and wetlands and other natural features, through building siting, programming, and orientation; and
 - (C) The project organizes components of hotel uses and site design to complement and engage the public realm, with particular focus on the pedestrian and bicycle scale and experience;
 - (D) The project utilizes building materials, construction techniques, and external finishes for the quality, durability, and aesthetic appeal they provide, rather than the cost savings they may achieve.
 - (2) The project incorporates quantifiable environmental sustainability measures that exceed existing environmental requirements or mitigation measures, and building code requirements in existence at the time of permit application(s), that are intended to minimize energy and water use, solid waste, greenhouse gas emissions, or otherwise improve a project's environmental sustainability. This finding shall be met if a project is assigned additional floor area in the Environmental Sustainability category pursuant to paragraph (b)(2).
 - (3) The project includes on-site programmatic elements, site planning strategies, and/or operational commitments that encourage public use, community gathering, or supports community health and well-being. This finding shall be met if a project is assigned additional floor area in the Community Integration category pursuant to paragraph (b)(2).
 - (5) The project includes enhancement of the public realm through upgrades to existing or proposed pedestrian and bicycle infrastructure in excess of that required by environmental mitigation measures or other regulatory requirement. This finding shall be met if a project is assigned additional floor area in the Public Realm category pursuant to paragraph (b)(2).
- d) In determining the total amount of additional FAR permitted pursuant to this section, the following FAR assignment schedule shall be used.
- FAR Assignment Schedule
- (1) For each of the above findings, a maximum amount of additional FAR above .34 shall be allocated as follows:

<u>Finding (1) (Site Planning and Design):</u>	<u>.12 FAR maximum</u>
<u>Finding (2) (Environmental Sustainability):</u>	<u>.12 FAR maximum</u>
<u>Finding (3) (Community Integration):</u>	<u>.06 FAR maximum</u>
<u>Finding (4) (Public Realm):</u>	<u>.06 FAR maximum</u>

(2) The following FAR assignment schedule shall be used to assign additional FAR. Examples cited within the Community Integration and Public Realm Findings are intended to provide guidance related to the type of qualifying program or amenity that may satisfy each category within a finding. The examples are not intended to exclude other potential ways of achieving points under the category listed. The Environmental Sustainability Finding shall be met if a project includes at least one of the Required Environmental Options.

<u>Finding</u>	<u>Points (1 point = .01 FAR)</u>
<u>Site Planning and Design</u>	<u>12 Maximum</u> <u>- Points based on extent to which Design Principles described in Finding (1) above are met</u>
<u>Environmental Sustainability</u>	<u>12 Maximum</u> <u>a) Required Environmental Options</u> <u>CalGreen Tier 2 = 12</u> <u>CalGreen Tier 1 = 6</u> <u>CalGreen + 3 electives = 2</u> <u>b) Additional Voluntary Environmental Options</u> <u>General or Climate Action Plan = 2 Max*</u> <u>Examples include:</u> <u>- Bike share program for hotel guests</u> <u>- Employee transportation program</u> <u>- Local shuttle for hotel guests</u> <u>* This option is only available to projects also meeting the CalGreen Tier 1 or CalGreen + 3 Required Environmental Options in paragraph a).</u>
<u>Community Integration</u>	<u>6 Maximum</u> <u>Community-Oriented accessory use = 2 Max</u> <u>Examples Include:</u> <u>- Restaurant</u>

	<ul style="list-style-type: none"> - <u>Neighborhood-Serving Retail</u> <p><u>Dedication of Interior Space = 3 Max</u> <u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>Community Meeting Room</u> - <u>Community Service Organization Space</u> <p><u>Dedication of Exterior Space = 3 Max</u> <u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>Public Park or Plaza</u> - <u>Habitat Preservation or Creation</u> <p><u>Community Programming = 3 Max</u> <u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>Public Use of Hotel Amenities (Gym, Pool, Community Discounts, etc.)</u> - <u>Provision of Space for Community Events</u> <p><u>Emergency Response Resource = 2 Max</u> <u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>Designated Disaster Recovery Center</u> <p><u>Workforce Housing = 6 Max</u> <u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>Development of Employee Housing Units</u> <p><u>Innovation Category = 2 Max</u></p>
<p><u>Public Realm</u></p>	<p><u>6 Maximum</u></p> <p><u>Pedestrian = 3 Max</u> <u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>Underground Utility Poles in Right of Way</u> - <u>Streetscape Beautification/Enhancement</u> - <u>Safety Measures</u> - <u>Financial Contribution to Project in CIP</u> <p><u>Bicycle = 3 Max</u> <u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>New/Enhanced bicycle lanes</u> - <u>Safety Measures</u> - <u>Financial Contribution to Project in CIP</u>

The maximum FAR for hotels allowed in this Section is not intended as a target to be achieved, but rather is the maximum allowable for any lot. The Planning Commission may approve less

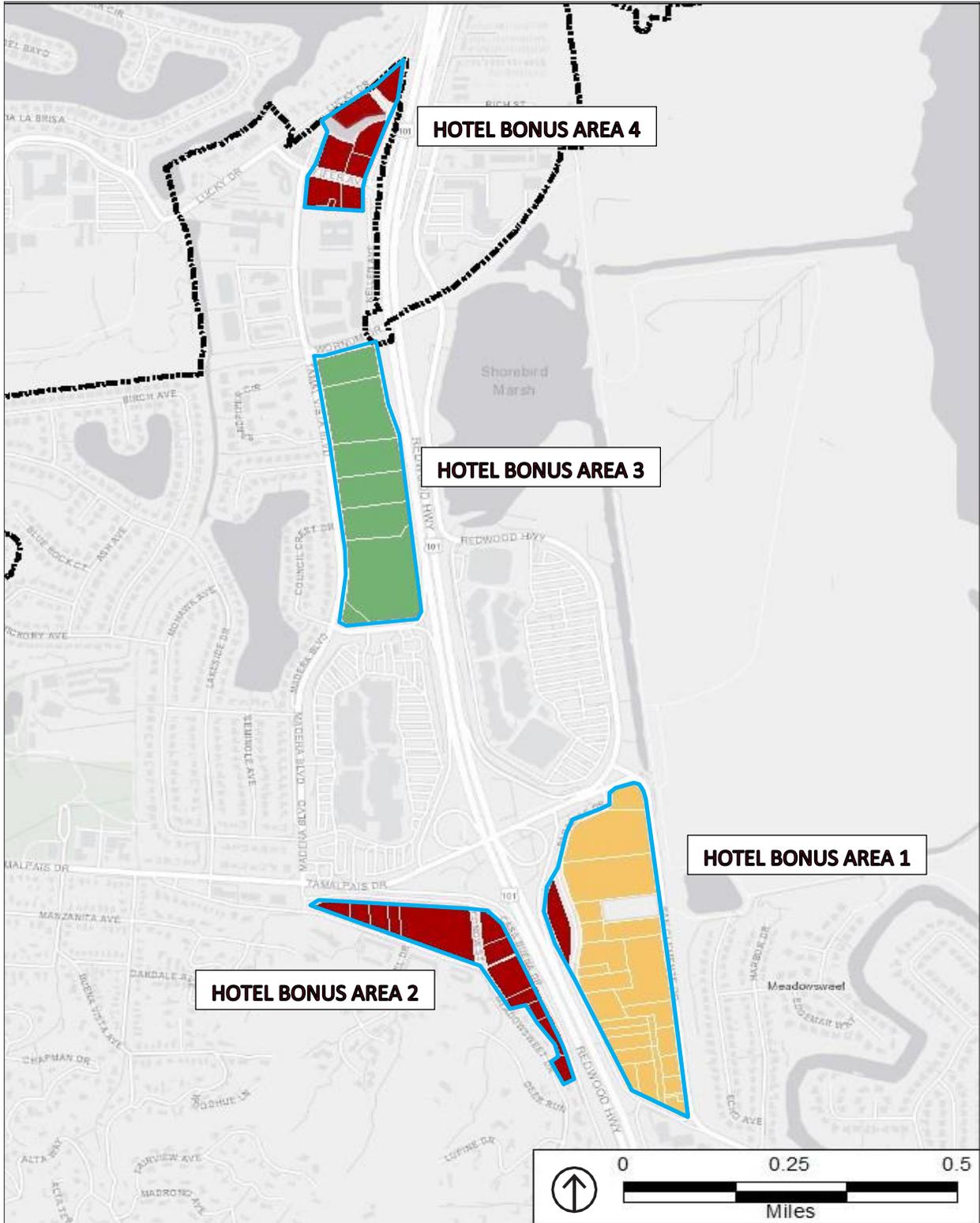
than the maximum allowable FAR in order to ensure that proposed development meets the above required findings or findings related to other Sections of this Title.

18.12.340 – Floor Area Ratio

Gross floor area shall not exceed thirty-four percent of the net site area, exclusive of the floor area devoted to required parking, except as set forth in Section 18.12.050.

Figure 1

Hotel Bonus Area Map



- Highway Commercial C-3
- Tamal Vista Mixed Use Corridor (MX-1)
- Hotel Bonus Areas
- Commercial Service (C-4)
- Corte Madera Town Limit

18.13 – MX Mixed Use Districts

I. General Provisions

18.13.040 – Special floor area ratio provisions for hotels in MX Districts

- a) Notwithstanding the floor area ratio standards of Section(s) 18.13.145, the FAR for hotels/motels and any ancillary uses, including but not limited to, restaurants or conference facilities, on property within MX zoning districts, with a net area of land greater than one acre, may be increased up to .70 FAR (in accordance with the FAR assignment schedule below) if a proposed project meets the following conditions and the Planning Commission makes all of the below findings. The floor area devoted to required parking shall not be counted in the calculation of a project's FAR.
- b) Notwithstanding the height standards in Section(s) 18.12.335 and 18.12.430, the height for hotels and any ancillary uses, including but not limited to restaurants or conference facilities, may be increased to a maximum of 47 feet if a proposed project meets all of the below conditions and the Planning Commission makes all of the below findings.
- c) The increased floor area for hotels permitted in this Section and in Section 18.13.040 shall only be applied to four lots, and no more than two lots in each Hotel Bonus Area. The Hotel Bonus Areas are described in Figure 1.

Conditions

- (1) A proposed project on a parcel of land located entirely or partially within the Special Flood Hazard Area shall meet the Town of Corte Madera's development requirements for residential construction in a Special Flood Hazard Area pursuant to Section 16.10.080(3) of the Corte Madera Municipal Code and shall be subject to otherwise applicable requirements of Title 16; and
- (2) An applicant seeking to utilize the provisions described in this section shall submit an application for preliminary review with the Planning Department and the applicant's project shall require a minimum of one public hearing at a Study Session before the Planning Commission. A primary purpose of the Study Session shall be to preliminarily evaluate the proposed project in light of the additional FAR requested, consistent with the findings and additional FAR assignment schedule described in this Section; and
- (3) An applicant shall hold at least one applicant-sponsored community meeting to solicit feedback and comments from community members prior to submission of an application for preliminary review.
- (4) The project shall incorporate one or more of the following bird-safe design measures:

- (A) Non-Reflective Glass: No reflective glass shall be used in the building; exterior glass in the building shall have a light reflectance value of less than 15 percent;
- (B) Fritted Glass: Fritted glass shall be used on upper floors (i.e., above the second floor) to reduce bird strikes. The applicant may substitute other non-reflective glass that is shown to be equally effective in reducing bird strikes.
- (C) Lighting: There shall be no exterior uplighting of the building. All on-site lighting shall be low-level illumination and shielded to reduce spill or glare.
- (D) Tree Screening on lower floors: This measure shall not be used by itself unless applicant plants trees of sufficient number and size to screen the windows which they are intended to cover.
- (E) Reduction of Unnecessary Interior Lighting: Energy conservation measures, including automatic sensors to turn off lights when guests are not present in the rooms.

Findings

- (1) The project provides a significant contribution to the aesthetics of the Town's built environment and integration with natural features and incorporates all of the below site and architectural design principles:
 - (A) The totality of the project is designed with a coherent, site-specific architectural idea, that harmonizes the relationships between project components and between the project and adjacent buildings, streets, open spaces, and natural setting, through the use of appropriate building scale, massing, fenestration, exterior materials, landscape architecture, and landscaping; and
 - (B) The project respects and exhibits natural systems, including ponds and wetlands and other natural features, through building siting, programming, and orientation; and
 - (C) The project organizes components of hotel uses and site design to complement and engage the public realm, with particular focus on the pedestrian and bicycle scale and experience;
 - (D) The project utilizes building materials, construction techniques, and external finishes for the quality, durability, and aesthetic appeal they provide, rather than the cost savings they may achieve.
- (2) The project incorporates quantifiable environmental sustainability measures as described in the table in paragraph (b) (2) that exceed existing environmental requirements or mitigation measures, and building code requirements in existence at the time of permit application(s), that are intended to minimize energy and water use, solid waste, greenhouse gas emissions, or otherwise improve a project's environmental sustainability. This finding shall be met if a project is assigned additional floor area in the Environmental Sustainability category pursuant to paragraph (b)(2); and,
- (3) The project includes on-site programmatic elements, site planning strategies, and/or operational commitments that encourage public use, community gathering, or supports community health and well-being. This finding shall be met if a project is

assigned additional floor area in the Community Integration category pursuant to paragraph (b)(2); and,

- (4) The project includes enhancement of the public realm through upgrades to existing or proposed pedestrian and bicycle infrastructure in excess of that required by environmental mitigation measures or other regulatory requirement. This finding shall be met if a project is assigned additional floor area in the Public Realm category pursuant to paragraph (b)(2).

d) In determining the total amount of additional FAR permitted pursuant to this section, the following FAR assignment schedule shall be used.

FAR Assignment Schedule

- (1) For each of the above findings, a maximum amount of additional FAR above .34 shall be allocated as follows:

<u>Finding (1) (Site Planning and Design):</u>	<u>.12 FAR maximum</u>
<u>Finding (2) (Environmental Sustainability):</u>	<u>.12 FAR maximum</u>
<u>Finding (3) (Community Integration):</u>	<u>.06 FAR maximum</u>
<u>Finding (4) (Public Realm):</u>	<u>.06 FAR maximum</u>

- (2) The following FAR assignment schedule shall be used to assign additional FAR. Examples cited within the Community Integration and Public Realm Findings are intended to provide guidance related to the type of qualifying program or amenity that may satisfy each category within a finding. The examples are not intended to exclude other potential ways of achieving points under the category listed. The Environmental Sustainability Finding shall be met if a project includes one of the Required Environmental Options.

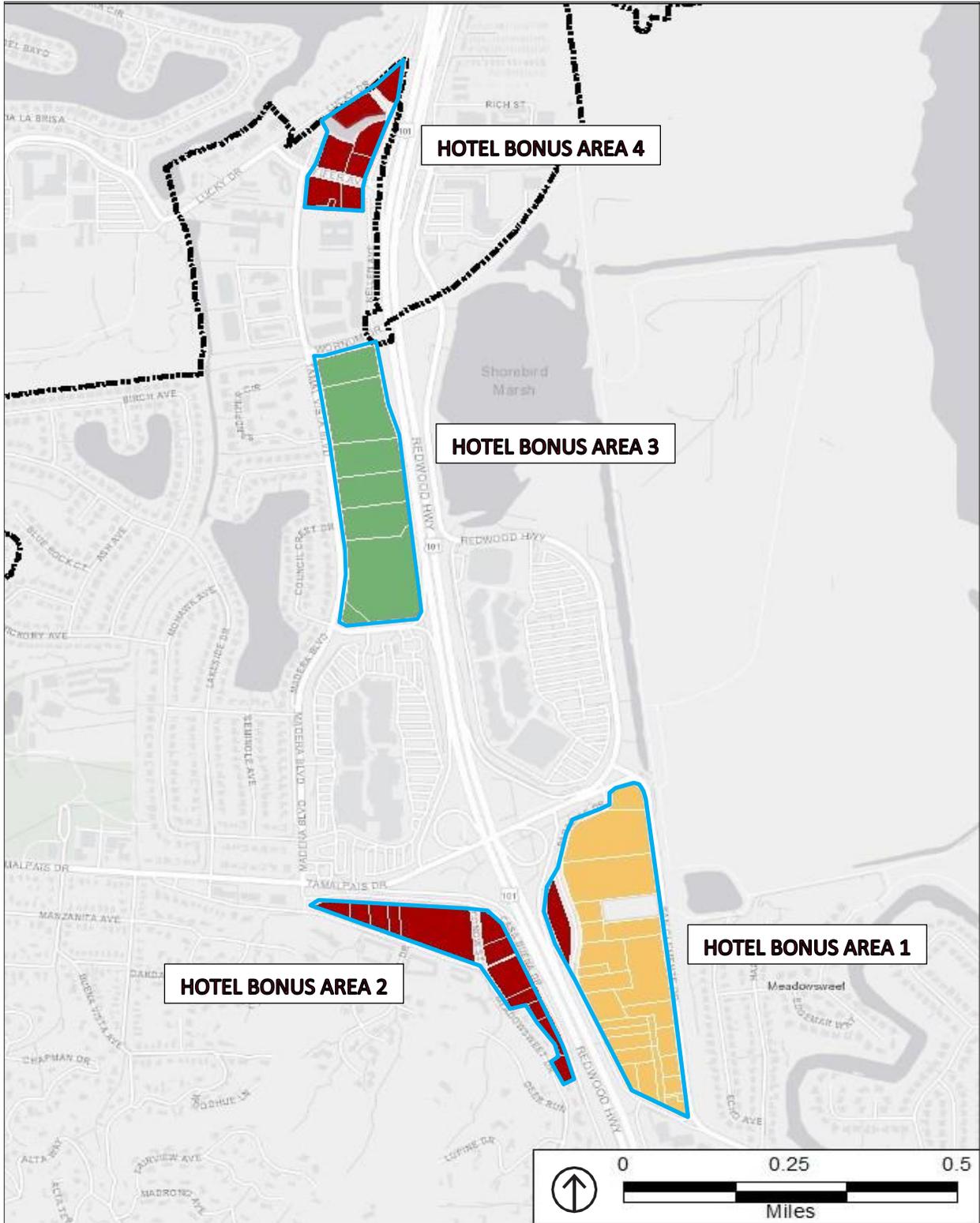
<u>Finding</u>	<u>Points (1 point = .01 FAR)</u>
<u>Site Planning and Design</u>	<u>12 Maximum</u> <u>- Points based on extent to which Design Principles described in Finding (1) above are met</u>
<u>Environmental Sustainability</u>	<u>12 Maximum</u> <u>6) Required Environmental Options</u> <u>CalGreen Tier 2 = 12</u> <u>CalGreen Tier 1 = 6</u> <u>CalGreen + 3 electives = 2</u> <u>b) Voluntary Environmental Options</u>

	<p><u>General or Climate Action Plan = 2 Max*</u></p> <p><u>Examples include:</u></p> <ul style="list-style-type: none"> - <u>Bike share program for hotel guests</u> - <u>Employee transportation program</u> - <u>Local shuttle for hotel guests</u> <p><u>* This option is only available to projects also meeting the CalGreen Tier 1 or CalGreen + 3 Required Environmental Options in paragraph a).</u></p>
<p><u>Community Integration</u></p>	<p><u>6 Maximum</u></p> <p><u>Community-Oriented accessory use = 2 Max</u></p> <p><u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>Restaurant</u> - <u>Neighborhood-Serving Retail</u> <p><u>Dedication of Interior Space = 3 Max</u></p> <p><u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>Community Meeting Room</u> - <u>Community Service Organization Space,</u> <p><u>Dedication of Exterior Space = 3 Max</u></p> <p><u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>Public Park or Plaza</u> - <u>Habitat Preservation or Creation</u> <p><u>Community Programming = 3 Max</u></p> <p><u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>Public Use of Hotel Amenities (Gym, Pool, Community Discounts, etc.)</u> - <u>Provision of Space for Community Events</u> <p><u>Emergency Response Resource = 2 Max</u></p> <p><u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>Designated Disaster Recovery Center</u> <p><u>Workforce Housing = 6 Max</u></p> <p><u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>Development of Employee Housing Units</u> <p><u>Innovation Category = 2 Max</u></p>
<p><u>Public Realm</u></p>	<p><u>6 Maximum</u></p> <p><u>Pedestrian = 3 Max</u></p>

	<p><u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>Underground Utility Poles in Right of Way</u> - <u>Streetscape Beautification/Enhancement</u> - <u>Safety Measures</u> - <u>Financial Contribution to Project in CIP</u> <p><u>Bicycle = 3 Max</u></p> <p><u>Examples Include:</u></p> <ul style="list-style-type: none"> - <u>New/Enhanced bicycle lanes</u> - <u>Safety Measures</u> - <u>Financial Contribution to Project in CIP</u>
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The maximum FAR for hotels allowed in this Section is not intended as a target to be achieved, but rather is the maximum allowable for any lot. The Planning Commission may approve less than the maximum allowable FAR in order to ensure that proposed development meets the above required findings or findings related to other Sections of this Title.

Figure 1
Hotel Bonus Area Map



- Highway Commercial C-3
- Commercial Service (C-4)
- Tamal Vista Mixed Use Corridor (MX-1)
- Corte Madera Town Limit
- Hotel Bonus Areas

18.13.145 – Floor area ratio (FAR) and residential density

- (a) Gross floor area of all non-residential uses permitted and conditionally permitted in the MX-1 district shall not exceed .34 FAR-, except as set forth in Section 18.13.040.
- (b) The gross floor area for sites that include residential uses shall not exceed .4 FAR, provided that a minimum .04 FAR includes non-residential uses permitted or conditionally permitted in the MX-1 district and that such uses are located in the Neighborhood Zone, as defined herein. The maximum permitted residential density shall be 15.1 units/acre. For the purpose of calculating residential density, portions of the site developed with non-residential uses shall be included in the calculation of gross area of land. If, after calculating the permitted number of units, a remainder of more than .5 units exists, the total number of units shall be rounded up to the next greater whole number; remainders of .5 units or less, shall be rounded down to the next lower whole number.
- (c) Gross floor area devoted to required parking for either residential or non-residential uses shall not be counted toward FAR.

18.13.150 - Provisions for increasing residential density and/or floor area ratio.

- (a) Notwithstanding the provisions of Section 18.13.145, residential density may be increased to 20.0 units/acre for projects that include senior housing, as defined in California Civil Code Section 51.3 (b)(1), provided that such project include deed restrictions ensuring continued use of the site for senior housing and provided that a minimum .05 FAR includes non-residential uses permitted or conditionally permitted in the MX-1 district.
- (b) Applications to increase density pursuant to the State Density Bonus Law (California Government Code Section 65915 - 65918) shall be made in accordance with Section 18.24.125.
- (c) Notwithstanding the provisions of Section 18.13.145, the FAR for non-residential intensity uses, except for hotels/motels, may be increased up to .5 FAR if the Planning Commission finds that the increase in intensity- FAR is necessary to support the provision of on-site community services by a not-for-profit provider or that the proposed project provides extraordinary on-site amenities for public use and/or enjoyment.