**MEMORANDUM**

**DATE:** August 26, 2013

**TO**: Planning Commission

**FROM**: Mike Moore, Planning and Building Director
Danielle Staude, Senior Planner, MV2040 Project Manager

**SUBJECT**: Adoption of a Planning Commission Resolution Recommending to the Mill Valley City Council that the City Council 1) Certify the MV2040 General Plan Final Environmental Impact Report (FEIR); 2) Adopt the related Findings of Fact and Statement of Overriding Considerations as required by the California Environmental Quality Act (CEQA); 3) Adopt the MV2040 General Plan; and 4) adopt the 2009-2014 Housing Element

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**Recommendation**

Staff recommends that Planning Commission:

1. Conduct a Public Hearing;

2. Review **EXHIBIT A** of the attached Planning Commission Resolution (**Attachment 1**) which includes all of the final recommended modifications and additions made by Planning Commission on the Draft MV2040 General Plan and 2009-2014 Housing Element, as well as modifications and additions proposed through public comments; and

3. Adopt the Planning Commission Resolution (**Attachment 1**) recommending that City Council certify the Final EIR, adopt Findings of Fact and a Statement of Overriding Considerations, adopt the MV2040 General Plan and adopt the 2009-2014 Mill Valley Housing Element.

**Background:**

On July 10, 2013 the City of Mill Valley posted and notified residents via its City Website and e-mail "E-News" service that the Draft Environmental Impact Report (EIR) and Draft MV2040 General Plan, including the 2009-2014 Housing Element was available for review. This marked the start of the City's 45-day public comment period (from July 10 through August 26, 2013 at 3:00 pm) on the Draft EIR, as required by law.

As part of this public review process, Planning Commission held three public hearings on the Draft MV2040 General Plan and Draft EIR (July 22, July 24 and July 25). Meeting minutes for

the three public hearings are included as part of the agenda packet and can be approved in a separate action during the "Approval of Minutes" portion of the agenda.

All Commission and public comments on the Draft EIR will be incorporated as part of responses to comments in the Final EIR and presented to City Council as part of the formal approval and certification of the environmental review. Findings of Fact related to the FEIR is required under CEQA as part of the certification of the Final EIR. In addition, a Statement of Overriding Considerations will be necessary to adopt the MV2040 General Plan and 2009-2014 Housing Element because of the two significant and unavoidable noise impacts identified in the DEIR. The Findings of Fact and Statement of Overriding Considerations will be prepared for City Council's formal review and certification of the Final EIR.

**EXHIBIT A** of the Planning Commission Resolution (**Attachment 1**) includes all comments from the Planning Commission and members of the public made prior to and through the three Planning Commission public hearings on July 22, 24 and 25, 2013, including all written comments received. Staff also received several comment letters after the last Planning Commission hearing on July 25th (**ATTACHMENT 2**). As appropriate, staff has incorporated these in **EXHIBIT A**.

**Discussion:**

This item has been advertised as a public hearing and the Planning Commission should provide an opportunity for any member of the public to comment on the attached Resolution and Exhibit A. The subsequent Planning Commission discussion should focus on any final changes to **EXHIBIT A** and then take action to adopt the attached Resolution (**Attachment 1**). The Resolution recommends that the City Council:

1. Certify the MV2040 General Plan Final Environmental Impact Report (FEIR);
2. Adopt the related Findings of Fact and Statement of Overriding Considerations as required by the California Environmental Quality Act (CEQA);
3. Adopt the MV2040 General Plan; and
4, Adopt the 2009-2014 Housing Element

**Next Steps:**
Upon adoption of Resolution, the above-referenced documents will be provided to the City Council for review and approval. City Council public hearings have been scheduled for September 16 (7:30pm); 23 (7:00pm); 24 (7:00pm).

**Attachments:**
1. Planning Commission Resolution , including Exhibit A
2. Comment Letters Received between July 25-August 26, 2013