RESOLUTION NO. CC13-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 2040 GENERAL PLAN AND 2009-2014 HOUSING ELEMENT (SCH 2013052005), ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM.

A. RECITALS

WHEREAS, Government Code Section 65300 requires that every city and county prepare and periodically update its General Plan; and

WHEREAS, the proposed Mill Valley 2040 General Plan and 2009-2014 Housing Element (together, the "2040 General Plan" or the "Project") updates the existing City of Mill Valley General Plan in accordance with the City's small-town character and acknowledging that Mill Valley is essentially built out; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Res. Code, § 21000 *et seq*.) and the State CEQA Guidelines (14 CCR § 15000 *et seq*.), the City is the lead agency for the Project; and

WHEREAS, the City of Mill Valley (the "City"), as lead agency, determined that an Environmental Impact Report ("EIR") should be prepared pursuant to CEQA in order to analyze all adverse environmental impacts of the Project; and

WHEREAS, a Notice of Preparation ("NOP") identifying the scope of environmental issues was distributed to numerous state and local agencies and organizations on May 2, 2013, with comments requested by May 31, 2013 pursuant to State CEQA Guidelines sections 15082(a), 15103 and 15375. A total of five comment letters were received and are included in Appendix A of the Draft EIR; and

WHEREAS, a public scoping meeting was held at the City of Mill Valley on May 21, 2013 and input from the public regarding the content and scope of the EIR was received. Relevant written and oral comments received in response to the NOP and at the scoping meeting were incorporated into the Draft EIR; and

WHEREAS, a Draft EIR was prepared for the Project in accordance with CEQA and the State CEQA Guidelines to assess and analyze the Project's environmental impacts; and

WHEREAS, the Draft EIR was distributed for a 45-day public review period on July 10, 2013, with the comment period expiring on August 26, 2013. Two comment letters were received during the public comment period. The City prepared written responses to all comments received on the EIR, and those responses to comments are incorporated into the

Final EIR. The responses to comments were distributed to all public agencies at least 10 days prior to certification as required by CEQA; and

WHEREAS, the Mill Valley Planning Commission held three noticed public hearings on July 22, July 24, and July 25, 2013 to consider the Draft 2040 General Plan, Draft 2009-2014 Housing Element and Draft EIR, and public comments during the 45-day public comment period on the Draft EIR (July 10 through August 26, 2013); and

WHEREAS, the Final EIR is comprised of the Draft EIR, and all appendices thereto, and the comments and responses to comments. The Final EIR takes into account those proposed revisions to the Mill Valley 2040 General Plan and 2009-2014 Housing Element, which were prepared to respond to the comments received by the Planning Commission and the City Council; and

WHEREAS, the Planning Commission of the City of Mill Valley after a noticed public hearing, recommended that the City Council certify the Final EIR; and

WHEREAS, the City Council of the City of Mill Valley held noticed public hearing to consider the 2040 General Plan, the Final EIR, all comment letters received on the EIR, any oral testimony provided, and staff recommendations, on September 16 and 18, 2013; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied in the EIR, which is sufficiently detailed so that all of the significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, the findings made in this Resolution are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence that has been presented at the hearings and in the record of the proceedings. The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of the proceedings on which this Resolution is based are on file for public examination during normal business hours at the Planning and Building Department at Mill Valley City Hall, 26 Corte Madera Avenue, Mill Valley, CA; and

WHEREAS, the City Council finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the EIR and the Project; and

WHEREAS, Section 15091 of the State CEQA Guidelines requires that before approving the Project, the City make one or more of the following written findings for each significant effect identified in the Final EIR, accompanied by a brief explanation of the rationale for each finding: (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; or (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 such other agency; or (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; and

WHEREAS, Section 15093 of the State CEQA Guidelines requires that if the Project will cause significant unavoidable adverse impacts, the City must adopt a Statement of Overriding Considerations prior to approving the project. A Statement of Overriding Considerations states that any significant adverse project effects are acceptable if expected project benefits outweigh unavoidable adverse environmental impacts; and

WHEREAS, environmental impacts identified in the Final EIR as less than significant and not requiring mitigation are described in Section 3 of Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, environmental impacts identified in the Final EIR as significant but which the City finds cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth herein, are described in Section 4 of Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, alternatives to the 2040 General Plan that might eliminate or reduce significant environmental impacts are described in Section 5 of Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, a discussion of the project benefits and a Statement of Overriding Considerations for the environmental impacts that cannot be fully mitigated to a less than significant level are set forth in Exhibit B, attached hereto and incorporated herein by this reference; and

WHEREAS, measures incorporated into the 2040 General Plan which avoid significant environmental impacts are identified in the Mitigation Monitoring and Reporting Program of Exhibit C, attached hereto and incorporated herein by this reference; and

WHEREAS, prior to taking action, the City Council reviewed, considered and has exercised its independent judgment on the Final EIR and all of the information and data in the administrative record, and all oral and written testimony presented to it during meetings and hearings and finds that the Final EIR is adequate and was prepared in full compliance with CEQA. No comments or any additional information submitted to the City have produced any substantial new information requiring recirculation or additional environmental review of the Project under CEQA; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mill Valley hereby finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

BE IT FURTHER RESOLVED, that the City Council of the City of Mill Valley hereby certifies the Final EIR, adopts findings pursuant to the California Environmental Quality Act as set forth in Exhibit A attached hereto and incorporated herein by reference; adopts the Statement of Overriding Considerations set forth in Exhibit B attached hereto and

incorporated herein by reference; and adopts the Mitigation Monitoring and Reporting Program set forth in Exhibit C attached hereto and incorporated herein by reference.

PASSED AND ADOPTED at a meeting of the City Council of the City of Mill Valley on the 30th day of September 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

_____
Andrew Berman, Mayor

ATTEST:

_____
Kelsey Rogers, City Clerk / Administrative Analyst

DRAFT

EXHIBIT A
Findings and Facts in Support of Findings

SECTION 1
INTRODUCTION

The California Environmental Quality Act ("CEQA") and the State CEQA Guidelines provide that no public agency shall approve or carry out a project for which an environmental impact report ("EIR") has been certified which identifies one or more significant effects on the environment that will occur if a project is approved or carried out unless the public agency makes one or more of the following findings:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

(2) Such changes or alterations are within the responsibility 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 such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.[1]

Pursuant to the requirements of CEQA, the City Council hereby makes the following environmental findings in connection with the proposed Project based on the record of these proceedings.

SECTION 2
PROJECT OBJECTIVES

As set forth in the Final EIR, the proposed Project is intended to achieve of the following objectives (the "Project Objectives"):

1. Provide a user-friendly General Plan that guides policy making and actions that are consistent with identified community values and Mill Valley's small-town character.

2. Provide a comprehensive update of the General Plan in accordance with state law.

3. Revise and update the General Plan map, policies, and text to reflect changes that have occurred since the plan was last comprehensively updated.

[1] Cal. Pub. Res. Code § 21081; 14 Cal. Code Regs. § 15091.

DRAFT

4. Maintain the existing land use pattern of Mill Valley in a manner that respects the existing mostly built-out character of the community, but also allowing development where appropriate.

5. Recognize lower traffic Level of Service values at select intersections in order to avoid requiring improvements that may adversely affect other modes of transportation or negatively affect the City's small-town character.

6. Use the General Plan as a vehicle to implement a Climate Action Plan that will guide the City of Mill Valley in meeting its greenhouse gas reduction targets.

7. Achieve a certified Housing Element that meets state and regional housing requirements without diminishing the City's small-town character.

SECTION 3
ENVIRONMENTAL IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

The City Council of the City of Mill Valley hereby finds that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of mitigation measures based on the discussion of such impacts in the Final EIR. For impacts that are less than significant due to policies and goals adopted as part of the 2040 General Plan, those 2040 General Plan policies and goals are identified below.

A. Aesthetics, Light, and Glare

1. Implementation of the 2040 General Plan would not have a significant adverse impact on scenic vistas. Implementation of Goal LU-1 and Policy LU-1 will avoid any significant impact.

2. Implementation of the 2040 General Plan has no potential to impact a State Scenic Highway.

3. Implementation of the 2040 General Plan would not have a significant adverse impact on the visual character of the Planning Area or its surroundings. Implementation of Goals LU-1, LU-2, LU-3 and Policies LU-1, LU-2, LU-3, LU-4, and LU-5 will avoid any significant impact.

4. Implementation of the 2040 General Plan would result in less than significant impacts related to light and glare. Implementation of Policies LU-1 and LU-4 will avoid any significant impact.

5. Implementation of the 2040 General Plan would not have cumulatively considerable impacts to aesthetics, light or glare.

B. Agriculture and Forest Resources

DRAFT

1. Implementation of the 2040 General Plan has no potential to impact important farmland.

2. Implementation of the 2040 General Plan has no potential to impact Williamson Act Contracts or agricultural zoning.

3. Implementation of the 2040 General Plan has no potential to convert forest land to non-forest uses.

4. Implementation of the 2040 General Plan has no potential to conflict with forest zoning.

5. Implementation of the 2040 General Plan has no potential to convert farmland to non-agricultural use.

6. Implementation of the 2040 General Plan would not have cumulatively considerable impacts to agriculture and forest resources.

C. Air Quality

1. Implementation of the 2040 General Plan would not conflict with or obstruct implementation of the applicable air quality plan, which is the 2010 Clean Air Plan. Implementation of Goals CL.1, MOB.2, MOB.3, and Policies CL.1, CL.2, CL.3, M.3, M.4, M.5, M.6, M.7, M.8, M.9, M.10, M.11, M.12, M.13, M.14 will avoid any significant impact.

2. Implementation of the 2040 General Plan would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Implementation of Goals CL.1, MOB.2, MOB.3, and Policies CL.1, CL.2, CL.3, M.3, M.4, M.5, M.6, M.7, M.8, M.9, M.10, M.11, M.12, M.13, M.14 will avoid any significant impact.

3. Implementation of the 2040 General Plan would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard. Implementation of Goals CL.1, MOB.2, MOB.3, and Policies CL.1, CL.2, CL.3, M.3, M.4, M.5, M.6, M.7, M.8, M.9, M.10, M.11, M.12, M.13, M.14 will avoid any significant impact.

4. Implementation of the 2040 General Plan would not expose sensitive receptors to substantial pollutant concentrations.

5. Implementation of the 2040 General Plan would not create objectionable odors affecting a substantial number of people.

6. Implementation of the 2040 General Plan would not generate greenhouse gas emissions, either directly or indirectly, that may have a

significant impact on the environment, or conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. Implementation of the Climate Action Plan will avoid any significant impact.

7. Implementation of the 2040 General Plan would not have cumulatively considerable impacts to air quality or greenhouse gas emissions.

D. Biological Resources

1. Implementation of the 2040 General Plan would not have a significant adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species. Implementation of Goals NE.1, NE.2, NE.6 and Policies NE.1, NE.2, NE.7 will avoid any significant impact.

2. Implementation of the 2040 General Plan would not have a significant adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Implementation of Goals NE.1, NE.2, NE.6 and Policies NE.1, NE.2, NE.7 will avoid any significant impact.

3. Implementation of the 2040 General Plan would not have a significant adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Implementation of Goals NE.1, NE.2, NE.6 and Policies NE.1, NE.2, NE.7 will avoid any significant impact.

4. Implementation of the 2040 General Plan would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. Implementation of Goals NE.1, NE.2, NE.6 and Policies NE.1, NE.2, NE.7 will avoid any significant impact.

5. Implementation of the 2040 General Plan would not conflict with any local policies or ordinances protecting biological resources.

6. Implementation of the 2040 General Plan has no potential to conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

7. Implementation of the 2040 General Plan would not have cumulatively considerable impacts to biological resources.

DRAFT

E. Cultural Resources

1. Implementation of the 2040 General Plan would not cause a significant adverse impact on historical resources. Implementation of Goal LU.4 and Policies LU-6, LU-7, LU-8 will avoid any significant impact.

2. Implementation of the 2040 General Plan would not cause a significant adverse impact on archaeological resources. Implementation of Goal LU.4 and Policies LU-6, LU-7, LU-8 will avoid any significant impact.

3. Implementation of the 2040 General Plan would not cause a significant adverse impact on paleontological resources or site or unique geologic features. Implementation of Goal LU.4 and Policies LU-6, LU-7, LU-8 will avoid any significant impact.

4. Implementation of the 2040 General Plan would not cause a significant adverse impact on any human remains, including those interred outside of formal cemeteries. Implementation of Goal LU.4 and Policies LU-6, LU-7, LU-8 will avoid any significant impact.

5. Implementation of the 2040 General Plan would not have cumulatively considerable impacts to cultural resources.

F. Energy Conservation

1. Implementation of the 2040 General Plan would not result in the inefficient, wasteful or unnecessary consumption of energy. Implementation of Goal CL.1 and Policy CL.1 will avoid any significant impact.

G. Geology, Soils and Seismicity

1. Implementation of the 2040 General Plan would not expose people or structures to significant adverse effects associated with seismic hazards. Implementation of Goal HZ-1 and Policies HZ.1, HZ.6 will avoid any significant impact.

2. Implementation of the 2040 General Plan would not result in substantial soil erosion or the loss of topsoil. Implementation of Goal HZ-1 and Policies HZ.1, HZ.6 will avoid any significant impact.

3. Implementation of the 2040 General Plan would not expose persons or property to hazards associated with unstable geologic units or soils. Implementation of Goal HZ-1 and Policies HZ.1, HZ.6 will avoid any significant impact.

DRAFT

4. Implementation of the 2040 General Plan would not create substantial risks to life or property associated with expansive soils. Implementation of Goal HZ-1 and Policies HZ.1, HZ.6 will avoid any significant impact.

5. Implementation of the 2040 General Plan has no potential to create significant adverse impacts related to the use of septic tanks or alternative wastewater disposal systems.

6. Implementation of the 2040 General Plan would not have cumulatively considerable impacts to geologic, soils or seismic hazards.

H. Hazards and Hazardous Materials

1. Implementation of the 2040 General Plan would not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials or the risk of upset or accidents associated with such usage. Implementation of Goal HZ-1 and Policies HZ.1, HZ.2, HZ.3, HZ.4, HZ.5, HZ.6 will avoid any significant impact.

2. Implementation of the 2040 General Plan would not create significant hazards to the public associated with sites included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Implementation of Goal HZ-1 and Policies HZ.1, HZ.2, HZ.3, HZ.4, HZ.5, HZ.6 will avoid any significant impact.

3. Implementation of the 2040 General Plan would not cause significant impacts relating to hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Implementation of Goal HZ-1 and Policies HZ.1, HZ.2, HZ.3, HZ.4, HZ.5, HZ.6 will avoid any significant impact.

4. Implementation of the 2040 General Plan would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Implementation of Goal HZ-1 and Policies HZ.2, HZ.3, HZ.5 will avoid any significant impact.

5. Implementation of the 2040 General Plan would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Implementation of Goal HZ-1 and Policies HZ.1, HZ.2, HZ.3, HZ.4, HZ.5, HZ.6 will avoid any significant impact.

6. Implementation of the 2040 General Plan has no potential to expose persons residing or working in the Planning Area to aviation safety hazards.

DRAFT

7. Implementation of the 2040 General Plan has no potential to expose persons residing or working in the Planning Area to hazards related to private airstrips.

8. Implementation of the 2040 General Plan would not have cumulatively considerable impacts relating to hazards or hazardous materials.

I. Hydrology and Water Quality

1. Implementation of the 2040 General Plan would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality. Implementation of Goal NE.3 and Policies NE.3, NE.4 will avoid any significant impact.

2. Implementation of the 2040 General Plan would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

3. Implementation of the 2040 General Plan would not substantially alter the existing drainage pattern in a manner which would result in substantial erosion or siltation. Implementation of Goal NE.3 and Policies NE.3, NE.4 will avoid any significant impact.

4. Implementation of the 2040 General Plan would not substantially alter the existing drainage pattern or substantially increase the rate or amount of surface runoff in a manner which would result in downstream flooding or require new or expanded storm drainage facilities. Implementation of Goal NE.3 and Policies NE.3, NE.4 will avoid any significant impact.

5. Implementation of the 2040 General Plan would not place housing or structures within a 100-year flood hazard area. Implementation of Goal HZ-1 and Policies HZ.1, HZ.2, HZ.3, HZ.4, HZ.5, HZ.6 will avoid any significant impact.

6. Implementation of the 2040 General Plan has no potential to expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of the failure of a levee or dam.

7. Implementation of the 2040 General Plan would not result in increased susceptibility to inundation by seiche, tsunami, or mudflow. Implementation of Goal HZ-1 and Policies HZ.1, HZ.2, HZ.3, HZ.4, HZ.5, HZ.6 will avoid any significant impact.

8. Implementation of the 2040 General Plan would not have cumulatively considerable impacts relating to hydrology or water quality.

J. Land Use

1613629-1

DRAFT

1. Implementation of the 2040 General Plan would not divide an established community.

2. Implementation of the 2040 General Plan would not conflict with any applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

3. Implementation of the 2040 General Plan has no potential to conflict with the provisions of a Habitat Conservation Plan or Natural Communities Conservation Plan.

4. Implementation of the 2040 General Plan would not have cumulatively considerable impacts to land use.

K. Mineral Resources

1. Implementation of the 2040 General Plan has no potential to result in the loss of important mineral resources.

2. Implementation of the 2040 General Plan would not have cumulatively considerable impacts to mineral resources.

L. Noise

1. Implementation of the 2040 General Plan would not expose persons to excessive vibration levels. Implementation of Policy N-1 and N-4 will avoid any significant impact.

2. Implementation of the 2040 General Plan would not expose persons to temporary increases in ambient noise levels including noise from construction due to General Plan policies, such as Policy N-4 which provides for construction noise control measures.

3. Implementation of the 2040 General Plan would not expose people residing or working in the Planning Area to excessive aviation noise, resulting either from a public airport or a private airstrip.

M. Population and Housing

1. Implementation of the 2040 General Plan has no potential to induce substantial population growth.

2. Implementation of the 2040 General Plan has no potential to result in the displacement of substantial numbers of persons or housing.

3. Implementation of the 2040 General Plan would not have cumulatively considerable impacts to population and housing.

DRAFT

N. Public Services, Recreation, and Utilities

1. Implementation of the 2040 General Plan would not create a need for new or expanded fire protection or emergency medical services. Implementation of Goal HZ-1 and Policies HZ.1, HZ.5 will avoid any significant impact.

2. Implementation of the 2040 General Plan would not create a need for new or expanded police protection facilities. Implementation of Goal PS.1 and Policies PS.1, PS.2 will avoid any significant impact.

3. Implementation of the 2040 General Plan would not create a need for new or expanded schools. Implementation of Policy CV.1 will avoid any significant impact.

4. Implementation of the 2040 General Plan would not create a need for new or expanded parks, recreation or other public facilities. Implementation of Goals GV.2, GV.3, GV.4 and Policies CV.1, CV.4, CV.6, CV.8 will avoid any significant impact.

5. Implementation of the 2040 General Plan would not create a need for new or expanded water treatment facilities or require additional supplies or entitlements. Implementation of Goal NE-1 and Policies NE.3, NE.4 will avoid any significant impact.

6. Implementation of the 2040 General Plan would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board or result in the construction of new or expanded wastewater treatment facilities. Implementation of Goal NE-1 and Policies NE.3, NE.4 will avoid any significant impact.

7. Implementation of the 2040 General Plan would not result in the construction of new or expanded storm drainage facilities. Implementation of Goal NE-1 and Policies NE.3, NE.4 will avoid any significant impact.

8. Implementation of the 2040 General Plan would not result in a need for additional landfill capacity or conflict with federal, state, and local statutes and regulations related to solid waste. Implementation of Goal CL.3 and Policy CL.5 will avoid any significant impact.

9. Implementation of the 2040 General Plan would not result in inefficient, wasteful, or unnecessary consumption of energy. Implementation of Goal CL.1 and Policy CL.1 will avoid any significant impact.

10. Implementation of the 2040 General Plan would not have cumulatively considerable impacts to public services, recreation or utility systems.

DRAFT

O. Transportation

1. Implementation of the 2040 General Plan would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.

2. Implementation of the 2040 General Plan would not conflict with an applicable congestion management plan.

3. Implementation of the 2040 General Plan would not substantially increase hazards due to a design feature or incompatible uses.

4. Implementation of the 2040 General Plan would not result in inadequate emergency access.

5. Implementation of the 2040 General Plan has no potential to alter air traffic patterns.

6. Implementation of the 2040 General Plan would not conflict with plans, programs, or policies intended to support public transit, bicycles, or pedestrians. Implementation of Goals M.1, M.2, M.3 and Policies M.1, M.2, M.3, M.4, M.5, M.6, M.7, M.8, M.9, M.10. M.11, M.12, M.13, M.14, M.15 will avoid any significant impact.

7. Implementation of the 2040 General Plan would not have cumulatively considerable impacts to transportation.

P. Irreversible Environmental Changes

1. Implementation of the 2040 General Plan would not cause significant irreversible environmental changes through use of nonrenewable resources.

SECTION 4

ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

Based upon information in the Final EIR, in the record, and based upon testimony provided during the public hearings on this 2040 General Plan, there are instances where environmental impacts from noise would remain significant and unavoidable after mitigation as more particularly discussed below. The Mill Valley City Council finds these environmental impacts identified in the Final EIR remain significant even after application of all feasible mitigation measures.

In accordance with State CEQA Guidelines Section 15092(b)(2), the City Council of the City of Mill Valley finds (1) the agency has eliminated or substantially lessened all significant

effects on the environment where feasible, and (2) any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding considerations, and, therefore, a statement of overriding considerations is included as Exhibit B to this Resolution, and is hereby incorporated by this reference.

A. Noise

1. Exposure of Persons to Excessive Noise: An analysis of exposure to excess noise is provided in Section 3.9.6 of the Final EIR. Development and land use activities will cause long term noise impacts from roadways. Roadway noise contours already exceed the upper limit for "normally acceptable" exterior noise levels at single-family residences and exceed the upper limit for "conditionally acceptable" exterior noise levels for residences along US 101. Although compliance with goals and policies in the Noise Element of the proposed 2040 General Plan would reduce these impacts, there are no feasible mitigation measures available that would fully mitigate potential impacts to noise due to the constraints of the existing land use and circulation patterns in Mill Valley. Therefore, impacts related to long-term roadway noise would remain significant and unavoidable. (Draft EIR p. 3.9-20 to 3.9-26.)

Finding: Changes or alterations have been required in or incorporated into the Project to attempt to lessen any potentially significant impact. More specifically, compliance with policies N-1, N-2, and N-3, attempt to lessen any significant impact. There are no other feasible mitigation measures other than these goals, policies and standard noise control measures that would reduce this noise impact to a level of insignificance. Further, specific economic, social, and technological, or other considerations make infeasible other mitigation measures, including project alternatives identified in the EIR. Therefore, the impact cannot be reduced to a less than significant level.

Supporting Explanation: Roadway noise is the primary source of ambient noise in suburban communities such as Mill Valley. The upper limit for "normally acceptable" exterior noise levels at single-family residential uses and schools is 60 dBA L_{dn} and the upper limit for "normally acceptable" exterior noise levels at multi-family residential uses is 65 dBA L_{dn}. The upper limit for "conditionally acceptable" exterior noise levels for all residential uses is 75 dBA L_{dn}. Roadway contours for major roadways including US 101, E. Blithedale Avenue, Camino Alto, and Miller Avenue are all at or currently exceed 60 dBA L_{dn}. The roadway contour for Miller Avenue, east of Camino Alto is currently 68 dBA L_{dn} adjoining multi-family residential and school uses. Also, noise contours along US 101, both north and south of E. Blithedale Avenue, exceed 75 dBA L_{dn}. (Draft EIR 3.9-20 to 3.9-25.)

These high noise values are a function of the high traffic volumes experienced along major roadways such as E. Blithedale (36,000 daily trips), Camino Alto (22,300 daily trips), and Miller Avenue (26,000 daily trips) under existing conditions. The 2040 General Plan acknowledges that Mill Valley is essentially built out and thus maintains the land use designations and allowable densities set forth within the 1989 General Plan. As such, new roadways or significant improvements to existing roadways are

not envisioned by the 2040 General Plan. Because of the existing land use and circulation patterns within Mill Valley, there is no feasible way to lower traffic volumes on these roadways such that the "normally acceptable" exterior noise standard of 60 dBA L_{dn} can be achieved for single-family residential and schools uses or 65 dBA L_{dn} for multi-family residential uses along Miller Avenue.

To lessen this impact, 2040 General Plan Policy N-1 establishes that residential development sites exposed to noise levels exceeding 60 L_{dn} shall be analyzed following protocols in the most recently adopted version of the California Building Code. Policy N-1 also establishes an interior noise limit of 45 L_{dn}, which must be met for all new residential units (single- and multi-family). The programs set forth under Policy N-1 will maintain a pattern of land uses that separate noise-sensitive land uses from major traffic noise sources to the extent feasible (program N.1-1), will utilize the noise contours and noise/land use compatibility standards to insure that new development and major redevelopment meet required interior and exterior noise standards (program N.1-2), and prevent noise sensitive land uses from locating in noise impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels in outdoor activity areas to 60 dBA L_{dn} or less (program N.1-3).

The 2040 General Plan also establishes Policy N-2 which aims to reduce noise from traffic by utilizing "quieter" pavement technologies (program N.2-1), control sound amplification systems by encouraging enforcement of California Vehicle Code § 27007 (program N.2-2), and control excessive exhaust noise by encouraging the enforcement of California Vehicle Code § 27150 (program N.2-3.).

Finally, the 2040 General Plan establishes Policy N-3 which establishes a policy to maintain the current quality of the acoustical environment by requiring an acoustical analysis to mitigate noise generating projects (program N.3-1) and sets forth standards for acoustical analyses required by the City (program N.3-2).

Despite these goals, policies, and programs, there is no feasible mitigation available to reduce exterior noise levels at new residential development sites and schools to "normally acceptable" levels. Moreover, none of the alternatives would result in a lesser noise impact. Therefore, the residual significance of this impact is significant and unavoidable.

2. Permanent Increase in Ambient Noise Levels: An analysis of exposure to excess noise is provided in Section 3.9.6 of the Final EIR. Single-family residential land uses along major roadways in Mill Valley are currently exposed to exterior noise levels in excess of the "normally acceptable" exterior noise level standard. Development and land use activities contemplated under the 2040 General Plan would contribute to the increase in ambient noise levels. Although compliance with goals and policies in the Noise Element of the proposed 2040 General Plan would reduce impacts, there are no feasible mitigation measures available that would fully mitigate potential impacts to noise due to the land use and circulation patterns in Mill Valley. Therefore, impacts related to permanent increase in ambient noise levels would remain significant and unavoidable. (Draft EIR p. 3.9-27 to 3.9-28.)

Finding: Changes or alterations have been required in or incorporated into the Project to attempt to lessen any potentially significant impact. More specifically, compliance with policies N-1, N-2, and N-3, attempt to lessen any significant impact. There are no feasible mitigation measures other than the goals, policies and supporting measures that would completely reduce any significant impact. Further, specific economic, social, and technological or other considerations make infeasible other mitigation measures, including project alternatives identified in the EIR. Therefore, the impact cannot be reduced to a less than significant level.

Supporting Explanation:

Noise contours for major roadways in Mill Valley already exceed the upper limit for "normally acceptable" exterior noise levels for single-family residences, schools and multi-family residential uses on Miller Avenue east of Camino Alto. Further, residences along US 101 are already exposed to roadway noise contours exceeding the upper limit for "conditionally acceptable" exterior noise levels of 75 dBA L_{dn}.

As shown in Table 3.9-6, development and land use activities contemplated under the 2040 General Plan would contribute to these ambient noise levels. For example, noise contours along US 101 are projected to increase by 1 dBA $L_{dn.}$ Noise impacts along certain areas of E. Blithedale, Camino Alto and Miller Avenue are also projected to increase by 1 dBA $L_{dn.}$

The noise values are a function of the high traffic volumes experienced along major roadways such as E. Blithedale Avenue (36,000 daily trips), Camino Alto (22,300 daily trips), and Miller Avenue (26,000 daily trips) under existing conditions. Mill Valley is essentially built out and new roadways or significant improvements to existing roadways are not envisioned by the 2040 General Plan. Due to the existing land use and circulation patterns within Mill Valley, there is no feasible way to lower traffic volumes on these roadways such that the "normally acceptable" exterior noise standard of 60 dBA L_{dn} can be achieved.

The 2040 General Plan Policy N-1 establishes that residential development sites exposed to noise levels exceeding 60 dBA L_{dn} shall be analyzed following protocols in the most recently adopted version of the California Building Code. Policy N-1 also establishes an interior noise limit of 45 L_{dn}, which provides an unequivocal performance standard that must be met by all new residential projects. This latter requirement reflects that building materials and techniques (concrete, insulation, sound-rated door and window assemblies, etc.) can yield noise attenuation rates of 25 dB or more between exterior and interior noise levels and thus provides a very effective method of reducing noise in environments with high ambient noise levels.

Additionally, the 2040 General Plan establishes Policies N-2, N-3, and N-4, which will also reduce noise from traffic, maintain the current quality of the acoustical environment and manage noise from construction. However, despite these policies, there is no feasible mitigation to reduce exterior noise levels at new residential

development sites and schools to "normally acceptable" levels; therefore, the residual significance of this impact is significant and unavoidable.

3. Cumulatively Significant Noise Impacts: An analysis of the cumulative noise impacts is contained in Section 4.3.9 of the Final EIR. Single-family residential land uses along major roadways in Mill Valley are currently exposed to exterior noise levels in excess of the "normally acceptable" exterior noise level standard if 60 dBA L_{dn}. Development and land use activities contemplated under the 2040 General Plan would contribute to the increase in ambient noise levels. Although compliance with goals and policies in the Noise Element of the proposed 2040 General Plan would reduce impacts, there are no feasible mitigation measures available that would fully mitigate potential impacts to noise due to the land use and circulation patterns in Mill Valley. Therefore, development and land use activities contemplated by the 2040 General Plan would contribute to cumulatively significant noise impacts.

Finding: Changes or alterations have been required in or incorporated into the Project to attempt to lessen any potentially significant impact. More specifically, compliance with policies N-1, N-2, N-3, and N-4, attempt to lessen any significant impact. Nevertheless, there are no feasible mitigation measures other than the goals, policies and supporting measures, that would completely reduce any significant impact. Further, specific economic, social, and technological, or other considerations make infeasible other mitigation measures, including project alternatives identified in the EIR. Therefore, the impact cannot be reduced to a less than significant level.

Supporting Explanation: Development and land use activities within the Planning Area and neighboring jurisdictions have the potential to create adverse impacts from noise level increases that expose receptors to unacceptable ambient noise levels. Roadway noise contours associated with every major arterial roadway are currently at or exceed 60 dBA L_{dn}. Roadway noise is a function of the high traffic volumes experienced along roadways such as E. Blithedale Avenue (36,000 daily trips), Camino Alto (22,300 daily trips), and Miller Avenue (26,000 daily trips) under existing conditions. Because of the land use and circulation patterns within Mill Valley, there is no feasible way to lower traffic volumes on these roadways such that "normally acceptable" exterior noise level standard of 60 dBA L_{dn} can be achieved.

The 2040 General Plan Policy N-1 establishes that residential development sites exposed to noise levels exceeding 60 dBA L_{dn} shall be analyzed following protocols in the most recently adopted version of the California Building Code. Policy N-1 also establishes an interior noise limit of 45 L_{dn}, which provides an unequivocal performance standard that must be met by all new residential projects. This latter requirement reflects that building materials and techniques (concrete, insulation, sound-rated door and window assemblies, etc.) can yield noise attenuation rates of 25 dB or more between exterior and interior noise levels and thus provides a very effective method of reducing noise in environments with high ambient noise levels.

Additionally, the 2040 General Plan establishes Policies N-2, N-3, and N-4, which will also reduce noise from traffic, maintain the current quality of the acoustical environment and manage noise from construction. However, despite these policies, there is no feasible mitigation to reduce exterior noise levels at new residential development sites to "normally acceptable" levels; therefore, the cumulative impact to noise is significant and unavoidable.

SECTION 5
ALTERNATIVES

The City of Mill Valley considered a range of reasonable alternatives for the proposed Project including the following:

(1) Alternative 1 – No Project/1989 General Plan Alternative

(2) Alternative 2 – Increased Population Growth Alternative

(3) Alternative 3 – Mobility Improvement Alternative.

In selecting the project alternatives to study in the EIR, the City did not select an alternative site because the 2040 General Plan goals and policies are specific to and encompass the entirety of the City of Mill Valley. Therefore, further analysis of an alternative site was not appropriate or feasible and was excluded from consideration in the EIR.

Another alternative considered was to increase allowable densities within existing developed areas in order to promote infill intensification, particularly in older, lower-density commercial and residential properties along main thoroughfares (the "Infill Intensification Alternative"). However this alternative was rejected because it is incompatible with the established community character. Mill Valley's existing land use patterns have been established for more than 50 years and date back almost 100 years in certain parts of the City. Due to the age of development in the City, parcel sizes tend to be much smaller in Mill Valley compared to other communities that developed more recently. Small parcels generally are not economically suitable for infill intensification development unless aggregated together. Additionally, infill intensification would be expected to exacerbate traffic delays at stop-controlled and signalized intersections and may require improvements along E. Blithedale Avenue, Miller Avenue and Camino Alto. These improvements could require acquisition of right-of-ways that may not be economically or politically viable. The 2040 General Plan is a more compatible approach to encouraging infill development as it permits up to 29 dwelling units per acre for certain land use areas, allows signalized intersections to operate at lower, but acceptable levels of service, and eliminates the Conditional Use Permit requirement for residential development in commercial zoning districts. For these reasons, the Infill Intensification Alternative was rejected from further consideration.

DRAFT

A. Project Alternatives

1. NO PROJECT/EXISTING 1989 GENERAL PLAN ALTERNATIVE

a. Summary of Alternative

Under the No Project Alternative, the existing 1989 General Plan would remain in effect and continue to govern Mill Valley's development; the proposed 2040 General Plan would not be adopted.

Both the 1989 General Plan and the 2040 General Plan set forth similar land use patterns and allowable densities. As such, there is no significant difference in build-out potential between the two plans. The key difference between the two plans is that 1989 General Plan requires higher levels of service (LOS) to be maintained at signalized intersections in Mill Valley. The 1989 General Plan requires LOS C at all signalized intersections, with the exception of E. Blithedale Avenue/Camino Alto where LOS D is permitted. In contrast, the 2040 General Plan allows LOS D at all signalized intersections, with the exception of E. Blithedale Avenue/Camino Alto where LOS E-plus is permitted. Because Year 2035 intersection operations at five signalized intersections in Mill Valley would be below the 1989 General Plan LOS standards, traffic improvements such as additional through and turn lanes would be necessary at these locations. Such improvements may require right-of-way acquisition from adjoining properties.

Another difference between the two plans is that the 1989 General Plan does not contain a Climate Action Element. Although such an element is elective, the City of Mill Valley would not realize the benefit of having its greenhouse gas reduction strategies incorporated into its comprehensive land use planning document.

The No Project/1989 General Plan Alternative would advance two of the project objectives to the same degree as the 2040 General Plan, including Objectives No. 1 and No. 4. This alternative would still provide a user friendly General Plan that guides policy making and actions that are consistent with identified community values and Mill Valley's general character. Also, this alternative would maintain the existing land use pattern of Mill Valley in a manner that respects the existing mostly built-out character of the community, but also allow development where appropriate.

This alternative would lessen the severity of transportation impacts relative to the 2040 General Plan, but it increases the severity of air quality and greenhouse gas impacts; for all other topical areas, impacts would be similar. The severity of transportation impacts would be lessened because higher LOS standards would be required to be achieved, while the severity of air quality and greenhouse gas impacts would be increased because a Climate Action Element would not be adopted.

b. Reason for Rejecting Alternative – Infeasibility

The No Project Alternative would not be consistent with the majority of the Project Objectives (Objective Nos. 2, 3, 5, and 6) as set forth below:

1) This alternative does not provide a comprehensive update of the City of Mill Valley General Plan in accordance with state law.

2) This alternative does not revise and update the General Plan map, policies, and text to reflect changes that have occurred since the Plan was last comprehensively updated.

3) This alternative does not recognize lower Level of Service values at select locations and would likely require improvements that may adversely affect other modes of transportation or negatively affect the City's small-town character.

4) This alternative would not use the General Plan as a vehicle to implement a Climate Action Plan that would guide the City of Mill Valley in meeting its greenhouse gas targets.

Also, this alternative would increase the severity of air quality and greenhouse gas impacts because a Climate Action Element would not be adopted.

Finally, this alternative would be inconsistent with state law, which calls for cities and counties to undertake periodic updates of their General Plans on a regular basis.

Overall, the No Project Alternative is not as effective in achieving the Project Objectives as either the proposed Project or the other alternatives. Therefore the City Council finds these reasons as a basis for rejecting this Alternative as not environmentally superior and socially and legally infeasible.

The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting this Alternative as infeasible, and by itself, independent of any other reason, would justify rejection of this Alternative as infeasible.

2. INCREASED POPULATION GROWTH ALTERNATIVE

a. Summary of Alternative

The 2040 General Plan and the 2009–2014 Housing Element identify an increasing percentage of single-person households (primarily seniors) and an influx of families with school-age children (estimated to be 200 households) as significant contributors to the City's demographic mix through 2040. By contrast, the Increased Population Growth Alternative is based upon economic and demographic projections for Mill Valley that entail a shift from older, single-occupant households to younger households with school-aged children over the long term and at a greater rate, thereby yielding a significant net increase in population growth—as much as 12 percent (or more than 1,500 persons) over the next 30 years.

This alternative would add policies to the 2009–2014 Housing Element to facilitate the development of second units and senior housing units closer to services and transit within the city limits. Incentives would take the form of density bonuses and more flexible development standards (setbacks, height limits, parking, etc.), and other measures that would promote the development of 1- and 2-person dwelling units. These incentives would facilitate development of new dwelling unit types and facilities for seniors as soon as possible in order

to accommodate the long-term anticipated growth pressures from younger families with school-aged children seeking to locate in Mill Valley over the life of the General Plan. The Increased Population Growth Alternative would maintain all other aspects of the proposed 2040 General Plan, such as the inclusion of a Climate Action Plan and amending the LOS standards.

The Increased Population Growth Alternative would advance all of the seven Project Objectives to the same degree as the 2040 General Plan.

This alternative would have similar impacts relative to the 2040 General Plan for aesthetics, biological resources, cultural resources, geology, soils and seismicity, hazards and hazardous materials, hydrology and water use, and land use. Impacts would increase for air quality and greenhouse gas emissions, noise, public services, recreation and utilities, and transportation.

b. Reason for Rejecting Alternative – Environmental Impacts

The Increased Population Growth Alternative would increase the severity of air quality, noise, public service, recreation, and utility and transportation impacts relative to the 2040 General Plan as set forth below:

1) This alternative would increase the severity of impacts to air quality and greenhouse gas emissions by increasing population and corresponding increases to vehicle miles traveled and tailpipe emissions. Although this alternative includes the Climate Action Element, the increase in tailpipe emissions would slightly outweigh the benefits associated with the Climate Action Element.

2) This alternative would increase the severity of impacts to noise by increasing traffic volumes along roadways in Mill Valley, including along roadways where noise levels already exceed the noise standards for residential uses.

3) This alternative would increase the severity of impacts to public services, recreation and utilities by increasing population and increasing corresponding demand for public services such as schools, recreation and utilities.

4) This alternative would increase the severity of impacts to transportation by increasing trip generation and therefore increasing delays at intersections where the level of service standard has been lowered. However, this alternative would not necessarily result in delays so severe that the new level of service standard would be violated. Nevertheless, the increased delays would increase the severity of transportation impacts.

For these reasons, the City Council finds this alternative unacceptable as a policy matter and rejects this alternative because it would cause greater environmental impacts and would not reduce any significant environmental impacts to a less than significant level.

The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting this Alternative as infeasible, and by itself, independent of any other reason, would justify rejection of this Alternative as infeasible.

3. MOBILITY IMPROVEMENT ALTERNATIVE

a. Summary of Alternative

The Mobility Improvement Alternative consists of amending the 2040 General Plan Mobility Element to add policies that would promote improvements in mobility in Mill Valley in order to maintain the existing 1989 General Plan Level of Service (LOS) standards at as many locations as possible. Policies would be added to the 2040 General Plan Mobility Element to include the following strategies to improve mobility:

- Traditional Traffic Improvements: Install signals, travel lanes, or turn lanes at intersections that are suited for these improvements. Potential candidates for such improvements include E. Blithedale Avenue/Carmelita Avenue, Miller Avenue/Reed Street, Locust Avenue/Miller Avenue, and Miller Avenue/La Goma Street-Montford Avenue.

- Citywide Shuttle: Institute a citywide shuttle service to provide alternatives to passenger vehicle use. The shuttle would provide service to destinations including Downtown, Lower Miller Avenue, Alto Center, and various school sites.

- Roundabouts: Install roundabouts at appropriate identified locations to improve LOS where traditional traffic improvements are not desirable or feasible. Roundabout locations would include E. Blithedale Avenue/Camino Alto, E. Blithedale Avenue/Lomita Drive – Roque Moraes Drive, and Miller Avenue/Camino Alto.

Also, the Mobility Element would be amended to maintain the 1989 General Plan LOS standards (noted in parenthesis) at the following locations:

- E. Blithedale Avenue/Camino Alto (LOS D)

- E. Blithedale Avenue/Lomita Drive – Roque Moraes Drive (LOS C)

- Miller Avenue/Camino Alto (LOS C)

The Mobility Improvement Alternative would maintain all other aspects of the proposed 2040 General Plan, including the Climate Action Plan, addressing multi-modal "Complete Streets" and amending the LOS standards at all other intersections other than the three listed previously.

The Mobility Improvement Alternative would lessen the severity of air quality and transportation impacts relative to the 2040 General Plan; for all other topical areas, impacts would be similar.

The Mobility Improvement Alternative would advance six of the seven Project Objectives to the same degree as the 2040 General Plan (Objectives No. 1, 2, 3, 4, 6 and No.7).

b. Reason for Rejecting Alternative – Infeasibility

The Mobility Improvement Alternative would not achieve Objective No. 5 as described below:

This alternative would not avoid requiring improvements that may adversely affect other modes of transportation and negatively affect the City's small-town character. The traffic improvements contemplated by this alternative would require additional right-of-way acquisition; result in impairments to bicycle, pedestrian, and transit mobility; and negatively affect the community character. The citywide shuttle has previously been considered by Mill Valley and, although it received considerable community support, it faces hurdles concerning funding, ridership, routes, and service frequency.

For these reasons, the City Council finds this alternative unacceptable as a matter of policy, and rejects this alternative as being economically and socially infeasible.

The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting this Alternative as infeasible, and by itself, independent of any other reason, would justify rejection of this Alternative as infeasible.

B. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The Mobility Improvement Alternative would have the least impact on the environment, followed by the Proposed 2040 General Plan, the Increased Population Growth Alternative, and the No Project/1989 General Plan Alternative. Therefore, in accordance with CEQA Guidelines §§15126.6(e), the Mobility Improvement Alternative is identified as the "environmentally superior" alternative.

DRAFT

EXHIBIT B
Statement of Overriding Considerations

The City Council of the City of Mill Valley hereby declares that, pursuant to State CEQA Guidelines Section 15093, the City Council has balanced the benefits of the 2040 General Plan against any significant and unavoidable environmental impacts in determining whether to approve the 2040 General Plan. If the benefits of the 2040 General Plan outweigh the unavoidable adverse environmental impacts, those impacts are considered "acceptable."

The Final EIR has found that the environmental impacts of the 2040 General Plan are not significant except for the impact to Noise (Exposure of Persons to Excessive Noise, Permanent Increase in Ambient Noise Levels, and Cumulatively Significant Noise Impacts) as discussed in Exhibit A.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially reduce the potential impact to Noise.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions on the 2040 General Plan that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the 2040 General Plan, all other alternatives set forth in the Final EIR are infeasible because they would prohibit the realization of the 2040 General Plan objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that having considered the entire administrative record on the 2040 General Plan and having weighed the benefits of the 2040 General Plan against its unavoidable significant impacts, the City Council has determined that the social, economic and environmental benefits of the 2040 General Plan outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based upon the following considerations:

1. The implementation of the Project will provide a user-friendly General Plan that guides policy making and actions that are consistent with identified community values and Mill Valley's small-town character.

2. The implementation of the Project will provide a comprehensive update of the City of Mill Valley in accordance with state law.

3. The implementation of the Project will revise and update the General Plan map, policies, and text to reflect changes that have occurred since the plan was last comprehensively updated.

DRAFT

4. The implementation of the Project will maintain the existing land use pattern of Mill Valley in a manner that respects the existing mostly built-out character of the community, but also allowing development where appropriate.

5. The implementation of the Project will recognize lower Level of Service values at select locations in order to avoid requiring improvements that may adversely affect other modes of transportation or negatively affect the City's small-town character.

6. The implementation of the Project will use the General Plan as a vehicle to implement a Climate Action Plan that will guide the City of Mill Valley in meeting its greenhouse gas reduction targets.

7. The implementation of the Project will achieve a certified Housing Element that meets state and regional housing requirements without diminishing local control or Mill Valley's small-town character.

8. Implementation of the Project achieves all the Project Objectives identified in Exhibit A.

9. The adverse impacts to noise reflect the Project's contribution to existing conditions and are not new impacts created by implementation of the Project.

10. None of the alternatives to the Project would reduce the impact to noise; instead, each of the alternatives considered would have a similar or greater impact to noise.

11. The Project avoids the substantial economic costs of roadway improvements that may adversely affect other modes of transportation, encourage passenger vehicle use and facilitate increased population growth, thereby negatively affecting the City's small-town character.

12. By avoiding roadway improvements, the Project encourages use of alternative modes of transportation, such as public transit, bicycles and walking, which reduce traffic congestion, vehicle miles traveled, and tailpipe emissions.

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the 2040 General Plan outweigh the identified significant adverse environmental impacts of the 2040 General Plan that cannot be mitigated to a level of insignificance. The City Council finds that each of the 2040 General Plan benefits outweighs the unavoidable adverse environmental impacts identified in the Final EIR and, therefore, finds those impacts to be acceptable.

DRAFT

Exhibit C
Mitigation Monitoring and Reporting Program

Pursuant to Public Resources Code section 21081.6, the City Council hereby adopts the following Mitigation Monitoring and Reporting Program:

DRAFT