STAFF REPORT

TO: Mayor and City Council

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

SUBJECT: Final Review and Consideration of a Recommendation from the Planning Commission to Certify the MV2040 General Plan Final Environmental Impact Report, Adopt a Statement of Overriding Considerations, Adopt the MV2040 General Plan and Adopt the 2009-2014 Housing Element

DATE: October 7, 2013

Approved for Forwarding:

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James C. McCann, City Manager

Note: The Draft MV2040 General Plan, 2009-2014 Housing Element and Final Environmental Impact Report and all associated staff reports, attachments and communications can be downloaded online at www.cityofmillvalley.org/generalplan. Hard copies are available for review at City Hall (26 Corte Madera Avenue) and the Public Library (375 Throckmorton) during normal business hours. (Please note City Hall is closed every other Friday).

Issue:

Certification of the MV2040 General Plan Environmental Impact Report and adoption of the MV2040 General Plan and 2009-2014 Housing Element.

Recommendation:

At its September 16 and 30, 2013 meetings, the City Council took public testimony and considered the comments of the public and each member of the City Council in its review of the Final EIR for the General Plan and Housing Element, and its review of each of the "Elements" of the MV2040 General Plan, except for the 2009-2014 Housing Element. For the October 7, 2013 meeting, staff recommends that the City Council:

1) Receive presentation, take public comment, discuss and provide direction to staff on any proposed modifications or amendments to the 2009-2014 Housing Element;

2) Review "EXHIBIT A, City Council Recommendations" **(Attachment 1)**, which will become part of City Council Resolution 13-44 (**Attachment 3**) adopting the MV2040 General Plan. Exhibit A includes all of the proposed modifications and amendments made to the Draft MV2040 General Plan by City Council through the September 16 and September 30, 2013 public hearings; and

3) Adopt the following Resolutions:

- Resolution 13-43 (**Attachment 2**): Certifying the Final MV2040 General Plan and 2009-2014 Housing Element Environmental Impact Report (EIR) and adopting a Statement of Overriding Considerations Pursuant to Section 15093(b) of the California Environmental Quality Act Guidelines;
- Resolution 13-44 (**Attachment 3**): Adopting the MV2040 General Plan, including City Council's final recommended modifications identified in "Exhibit A" **(Attachment 1);** and
- Resolution 13-45 (**Attachment 4**): Adopting the 2009-2014 Housing Element.

Background:

Please note that this is the Staff Report only for the October 7, 2013 public hearing. All of the General Plan related information and correspondence that was part of the prior hearings on September 16 and 30, 2013 is available online at:

http://www.cityofmillvalley.org/generalplan

The prior City Council hearings of September 16 and 30, 2013 can also be viewed online through the city's video webcasting at:

http://www.cityofmillvalley.org/Index.aspx?page=1167

At the initial City Council public hearing to consider the Draft MV2040 General Plan, Draft 2009-2014 Housing Element and the Final EIR on September 16, 2013, the City Council took public comment on and discussed the contents of the Final EIR. **Attachment** 5 contains the modifications to the Final EIR based on City Council comments at the September 16 meeting.

Following the consideration of the Final EIR, the Council then began its review of the Draft General Plan. On September 16, the City Council completed its review of the Introduction and the Land Use Element of the MV2040 General Plan. The public hearing was then continued to September 30, 2013. On September 30, City Council completed its review of the Mobility, Community Vitality, Natural Environment, Climate Action,

Hazards and Public Safety and Noise Elements, as well as the General Plan Administration chapter of the MV2040 General Plan.

The City Council hearings and review to date have considered the Planning Commission recommendations to the City Council following their public hearings on the Draft EIR, General Plan and Housing Element on July 22, 24 and 25, 2013, and all written and oral public comments. The Council has completed its review of all the MV2040 General Plan Elements with the exception of the 2009-2014 Housing Element, and has continued the public hearing to Monday, October 7, 2013.

Discussion:

Prior to taking the recommended actions to certify the General Plan/Housing Element EIR, adopt the MV2040 General Plan and adopt the 2009-2014 Housing Element, the City Council has continued the public hearing in order to review its proposed modifications and revisions to the General Plan and to take public comment and consider any possible modifications or amendments to the Housing Element. General Plan modifications and amendments considered by the City Council at its public hearings on September 16 and September 30, 2013 are listed in the attached "Exhibit A" (**Attachment 1**) and discussed immediately below. Following final review of Exhibit A, the City Council will then separately consider the 2009-2014 Housing Element.

EXHIBIT A, CITY COUNCIL RECOMMENDED CHANGES TO THE MV2040 GENERAL PLAN (except the 2009-2014 Housing Element)

Exhibit A (**Attachment 1**) summarizes all of the City Council directed amendments and modifications to the Draft MV2040 General Plan based on public comments and City Council review and consideration on September 16 and September 30. The Exhibit identifies the location in the document (by Element, page number and portion of the narrative text or Goal, Policy or Program number) for of each of the substantive changes directed by the City Council and provides the added or deleted language using underlining or ~~strikethrough~~ to reflect the changes. City Council or member of the public (with City Council support) recommended minor wording changes that did not change the substance of the particular narrative description or Goal, Policy or Program (for example, the deletion of the brand name "Jacuzzi" from the description of the spa at the Community Center) are not included in Exhibit A, but will be incorporated into the final published version of the MV2040 General Plan along with all other identified spelling, punctuation and other typographical errors. Exhibit A also includes the Planning Commission final recommendations not deleted or modified by the City Council. These are highlighted in grey in the Exhibit. This is a complete list of all substantive changes to be incorporated into the MV2040 General Plan upon adoption, including:

- Revisions to the Introduction and the Mobility, Community Vitality and Housing Elements of the MV2040 General Plan to address the "demographic shift" of younger families with school age children moving into Mill Valley and its

potential impact on population growth. The revisions include a new Land Use Program (LU.1-4) to assess the potential impacts as part of the 5-year comprehensive review of the General Plan. This information has also been incorporated into the Alternatives Analysis of the General Plan/Housing Element EIR. The revisions to the FEIR are addressed in **Attachment 5**.

- Consolidation of the two separate sets of policies and programs related to Parking in the Mobility Element into one policy and related programs.

- Consolidation of the eight programs associated with Community Vitality Element Policy CV.7 (Library) into three programs.

- Addition of a new Goal, Policy and Programs related to youth and adult sports.

- Revision of Community Vitality Element Art Goal 3 and Policy 6 related to funding and services for the arts and the deletion of Art Policy 7 and Programs 7-1 and 7-2 related to scheduling preferences and fee waivers for arts activities at City facilities.

- Revisions to the Natural Environment Element to add narrative language and maps relating to Richardson Bay and Mill Valley Watersheds and to provide additional information on local plant and animal species (this is in addition to the new, more extensive Natural Environment maps that were introduced as part of the packet for the September 16 City Council public hearing in response to concerns about the maps in Draft MV2040 General Plan Natural Environment Element). Revisions will also be made to the General Plan Glossary (Appendix E) to add terms from the Natural Environment Element.

- Addition of narrative language and two new programs (CL.1-1 and 1-2) to the Climate Action Element regarding Marin Energy Authority (MEA) and Marin Clean Energy (MCE) and its contributions to reducing GHG emissions and renewable power supplies.

Exhibit A will be adopted as part of Resolution 13-44, adopting the General Plan.

DRAFT 2009-2014 HOUSING ELEMENT

The 2009-2014 Housing Element is part of and must be consistent with the General Plan, but is under separate cover and is formatted differently from the other General Plan Elements in order to address specific requirements of state law:

- Chapter 2 of the Housing Element – the “Housing Plan” – contains all of the goal, policy and program recommendations and was the focus of review by the Land Use and Mobility Working Group and the General Plan Advisory Committee.

- Chapters 3 and 4 – the "Housing Needs Summary" and "Housing Resources", respectively – describe the particular housing-related circumstances of Mill Valley (based on U.S. Census, State Department of Finance and local data and research) that provide the foundation for the recommendations in Chapter 2.
- Appendices A through D go into greater detail about local housing needs and constraints as required by state Housing Element law.
- Appendix C provides the details of the site capacity analysis that shows that the City has identified sufficient sites within the City and under existing zoning designations to meet the total housing units (292) and the number of units by income category (from "Very Low" to "Above Moderate") of the City's 2009-2014 Regional Housing Needs Allocation (RHNA).

Following City Council adoption, the 2009-2014 Housing Element will be sent to the State Department of Housing and Community Development (HCD) for one last review and certification. Based on the HCD letter to the City dated August 15, 2013, this will be a formality since HCD has already determined that the draft 2009-2014 Housing Element meets the requirements of state Housing Element law. With the adoption of the Housing Element, however, the City will have some immediate implementation work to do primarily in the area of Zoning Ordinance changes. More detail and recommendations for that work will be coming to the City Council at the October 21 meeting. In addition, work will need to begin on the 2014-2022 Housing Element. Fortunately, much of what is already in the 2009-2014 Housing Element can be carried over and repackaged – including the site capacity analysis – into the next Element. The City Council will also recall that our Regional Housing Needs Allocation for the 2014-2022 Housing Element cycle is significantly lower: 129 total units for 2014-2022, compared to 292 total units for 2009-2014. The October presentation to the City Council will also discuss and make recommendations regarding the 2014-2022 Housing Element.

Next Steps:

In anticipation of the General Plan and Housing Element being adopted following the public hearing on October 7, the next and final steps in completing the General Plan update process will be the preparation of the final General Plan document for publication: as a printed document and electronically. That will include a final editorial review (spelling, punctuation, grammar, internal consistency, etc.) and creating a format that will make the document accessible and easy to use. There was much discussion, particularly during the Working Group stage of the process, about creating a document that could be viewed on a variety of electronic platforms and that could be used more interactively by the community. This was seen as a way of making the Plan more dynamic and relevant over time in guiding policy-making and decisions, as well as reinforcing the identified Community Values. Although the General Plan will become effective immediately, we anticipate that it will take a couple of months to do the final editing and formatting. We will keep the Council apprised of that process.

Another addition to the General Plan will be a "Forward" which is currently being drafted for City Council review and approval. Work on the Forward was initiated by Mayor Berman with assistance from City staff. The draft Forward will be distributed to the City Council for its review once it is completed.

The City Council, Planning Commission, the GPAC, the three Working Groups and the entire community should be very proud and gratified by the efficient, civil and productive way that this update process has progressed. To complete a comprehensive General Plan update and a Housing Element in less than two years and with the wide range of public outreach and participation that it fostered is not only quite an extraordinary accomplishment, but speaks volumes of the interest, commitment, thoughtfulness and civic pride of Mill Valley's citizens. Congratulations.

Fiscal Impact:

N/A

Attachments:

1. Exhibit A to City Council Resolution 13-44: "City Council Recommendations"

2. City Council Resolution 13-43: Certifying the Final MV2040 General Plan Environmental Impact Report (FEIR) for the MV2040 General Plan and adopting a Statement of Overriding Considerations Pursuant to Section 15093(b) of the California Environmental Quality Act Guidelines;

3. City Council Resolution 13-44: Adopting the MV2040 General Plan, including City Council final recommended modifications identified in Exhibit A of the Resolution;

4. City Council Resolution CC13-45: Adopting the 2009-2014 Housing Element

5. FEIR Errata Sheet

6. October 13, 2013 Letter from Lucy Mercer and Tammy Edmonson, Throckmorton Theater