



MEMORANDUM

DATE: April 18, 2012

TO: General Plan Advisory Committee (GPAC)

FROM: Mike Moore, Planning and Building Director
Danielle Staude, Senior Planner, General Plan 2040 Project Manager

SUBJECT: Kick-Off/Organizational Meeting of the General Plan Advisory Committee

April 18, 2012 will mark the first official meeting of the General Plan Advisory Committee (GPAC) as Mill Valley embarks on the first comprehensive update of its General Plan in more than 20 years. First off, we want to congratulate and thank members of the GPAC for volunteering your time and talents to be a part of this important community effort. This inaugural meeting of the GPAC is organizational in nature and in addition to electing a GPAC Chair and Vice-Chair, it is intended to provide background information on the scope and content requirements of a General Plan; review the overall schedule and process for updating the General Plan; clarify roles and responsibilities of the GPAC and its three Working Groups; establish meeting guidelines; determine meeting schedules and walk through the City's website (www.cityofmillvalley.org/generalplan) and virtual meeting site (www.MV2040.org).

As you will see in the attached materials, the role of the GPAC will be to guide the work of staff, consultants (to be determined, as necessary) and the GPAC's three Working Groups toward the timely completion of a Draft General Plan that will then proceed to public hearings before the Planning Commission and City Council based on your recommendations. To accomplish that task, we have provided a schedule of separate and joint meetings with the three Working Groups to insure that the General Plan is comprehensive and consistent with Mill Valley's community values and overall goals.

Attachments to this memo include:

- GPAC and Working Groups Roster
- Frequently Asked Questions about the General Plan
- Draft Meeting Guidelines
- Brown Act Summary (the state open meeting law that governs meeting procedures and committee communications)
- Roles and Tentative Meeting Schedule for GPAC and Working Groups (specific dates will be discussed at the meeting – Please bring your calendars)

In addition to the attachments to this memo, staff will be presenting information at the meeting on the basic requirements and framework for the General Plan; an overview of the 1989 General Plan and 2003 Housing Element; and a review of the overall timeline and process for Mill Valley General Plan 2040. We are also preparing a resource binder that will include copies of the 1989 General Plan, 2003 Housing Element, and other City-related documents and General Plan related information. That binder will be provided to the members of the GPAC and Working Groups at the April 25th organizational meeting, which will be a joint meeting of the GPAC and the three Working Groups. The binder can be used to keep future meeting material in one location for ease of access.

The second organizational meeting, next week (Wednesday, April 25: same time, same location as this meeting), will bring together the GPAC and the members of the three Working Groups. We will be presenting some of this same information to the three Working Groups, as well as getting started in the process to discuss and confirm the “community values” that will provide the “vision” for General Plan 2040. The seven “community values” along with the City Council’s “core values” have been posted on the City’s virtual meeting website – MV2040.org – since February for review, discussion and comment by members of the community. To date, 173 Mill Valley citizens and others have logged in, signed up and joined the conversation about the General Plan and those values. At a subsequent joint meeting in May, the GPAC and Working Groups will confirm the updated “community values” for Mill Valley 2040 and use them to guide subsequent goal, policy and program development.

If you have any questions about this information or about the meeting materials, please contact Danielle Staude, Senior Planner, by phone at 415-388-4033 or by e-mail at dstaude@cityofmillvalley.org. We look forward to working closely with you over the coming months to produce a General Plan for Mill Valley that is visionary, yet effective in dealing with the forces of change that may confront the community over the next 30 years.



- Committee Assignments -

General Plan Advisory Committee

1. Andy Berman*
2. Steve Geiszler**
3. Burton Miller
4. Larry Davis
5. Maggie Lang
6. Leslie Wachtel
7. Girija Brilliant
8. Anne Jeffrey
9. Dennis Fisco

*Garry Lion, alternate to Andy Berman

** Heidi Richardson, alternate to Steve Geiszler

Community Vitality Working Group

1. Shawn Marshall
2. John McCauley
3. Ken Brooks
4. Josh Deitch
5. Ann Aversa
6. Dan Kelly
7. Stephanie Witt
8. Stephen Burke
9. Lynne Klein
10. Jason Michaels
11. Bob Burton

Land Use and Mobility Working Group

1. Ken Wachtel
2. Barbara Chambers
3. Dick Swanson
4. David Levin
5. Elida Doladan-Schujman
6. Elisabeth Thomas-Matej
7. Marcy Jones
8. Bruce Dorfman
9. Brent Elliott
10. Jim Parrinello
11. Paul Moe

Natural Environment Working Group

1. Stephanie Moulton-Peters
2. Jim Stephenson
3. Betsy Bikle
4. John Poulson
5. Trish Hudnall
6. Ron Vidal
7. Robin Moses
8. Barbara Wilson
9. Ruth Friend
10. Jerry Cahill
11. Natalie Alfors



- GPAC & Working Group Meeting Guidelines -

Meetings:

- All meetings of the GPAC and Working Groups will be conducted in accordance with Robert's Rules of Order (<http://www.robertsrules.org>). The respective Chair of the GPAC and each Working Group shall preside over each meeting. In the absence of the Chair, the Vice-Chair shall preside.
- The GPAC may, from time-to-time create *ad hoc* sub-committees to address special needs or issues related to the update of the General Plan. Any *ad hoc* sub-committees created by GPAC shall meet on an as-needed basis and may not be subject to the same requirements of the Brown Act as the GPAC and Working Groups. *Ad hoc* sub-committee meetings should follow these Guidelines, where applicable, in the conduct of its meetings and in its communications with staff, other boards, committees or commissions and with the public. *Ad hoc* sub-committee meeting times and locations and any applicable information or materials will be made available to the public through the City's General Plan website.
- All GPAC and Working Group actions must be based on a motion by a member, a second to the motion, also by a member, and then a vote. An action approved by a majority vote of the members present and eligible to vote will represent the position of the GPAC or Working Group on that particular matter. While consensus among all members on any decision is the goal, a formal vote and majority affirmation may be necessary, from time-to-time, in order to keep the process moving according to established timelines.
- All GPAC and Working Group meetings are subject to the Brown Act, California's open meeting law (<http://www.thefirstamendment.org/Brown-Act-Brochure-DEC-03.pdf>). The Brown Act generally covers the timing and contents of meeting agendas; relations and communications among GPAC and Working Group members and with staff; and governs opportunities for public input.
- Correspondence and discussion among individuals on the General Plan Advisory Committee and the Working Groups, City boards and commissions and City Council are also subject to the Brown Act and are limited. Requests for information, questions about issues or information before the respective committees and any communication on matters before the GPAC or Working Groups should be directed through City staff to avoid any conflicts with the Brown Act and to insure that everyone is kept in the loop.
- GPAC and Working Group members are representatives of the City of Mill Valley and of their respective committees. Any verbal or written comments to members of the public or to the media on matters or positions being considered or decided by a given committee should reflect your position of responsibility and should reflect the position of the committee, not the individual. Formal statements reflecting the position of the GPAC or the respective

Working Groups should be made by the Chair or, if necessary, the Vice-Chair. Questions about whether or how to respond to a particular inquiry should be discussed with staff before responding.

- All GPAC and Working Group meetings are open to the public and public comment on agenda items will be permitted in accordance with the Brown Act. Opportunities for and the scope of public comment will be subject to the discretion of the Chair, unless otherwise noted on the meeting agenda.
- Agendas and packet materials will be posted on the City’s General Plan website and at City Hall at least 72 hours prior to the meeting, as required by the Brown Act. All public notice of the GPAC and Working Group meetings shall be done through the City’s General Plan website and the City’s “E-News” distribution list.
- Meeting summaries will be provided by staff and will be included in the packet for the next meeting. They will summarize meeting length, member attendance, topics of discussion, action items and requests for additional information. They will not contain individual member comments or dialogue or require formal review and approval as part of each meeting’s agenda.
- City staff will provide meeting agendas, the meeting summary for the prior meeting and all packet materials to the GPAC and Working Groups approximately one week prior to the meeting date. All materials provided to the GPAC, Working Groups and any *ad hoc* committees will be posted in the appropriate location on the City’s General Plan website at the same time the materials are made available to the GPAC, Working Groups or *ad hoc* sub-committee.
- Any comments, questions or requests for information should be directed to Danielle Staude, Senior Planner and General Plan 2040 Project Manager, by e-mail at dstaude@cityofmillvalley.org, or by phone at 415-388-4033 x 106.

All meeting agendas, notices, summaries and additional information will be posted on the City’s Website (www.cityofmillvalley.org/generalplan, under “meetings & events”).

General Conduct:

All members of the General Plan Advisory Committee and Working Groups are expected to:

- Be informed, collaborative and solution oriented – attend all meetings and serve as representatives of the broader community in balancing various interests in the community. Building upon each others ideas.
- Engage the Community in the Discussion of Issues and Opportunities – Actively engage the community in a constructive dialogue of issues, concerns, and possible strategies that will lead to the development of polices and programs. (www.MV2040.org will be available for Working Groups to post ideas, surveys, and questions, as needed).
- Respect other people’s opinions -- agree to disagree.
- Listen carefully so that you understand other points of view.
- Search for innovative possibilities and solutions and look for common ground - Build on each other’s ideas to develop creative ideas and solutions that will lead to draft polices.
- Be brief so that all issues can be discussed.

BROWN ACT SUMMARY

Overview of the Brown Act

A. Introduction.

The Brown Act (which is found at Government Code Section 54950 *et seq.*) seeks to ensure that the deliberations and actions of local governmental entities are taken openly in a public meeting where all persons are permitted to attend.

The Brown Act was originally enacted in 1953.

B. Basic Rule And Purpose.

1. Legislative Declaration:

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. *It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.*”

2. Basic Rule:

“All *meetings* of the *legislative body* of a local agency shall be *open and public*, and *all persons shall be permitted to attend* any meeting of the legislative body.”

3. Key components of the Brown Act:

Compliance with the Brown Act involves an understanding or the meaning and application of the following key terms:

- a. Legislative Body
- b. Meetings
- c. Open and Public
- d. All Persons Permitted to Attend

AGENCIES AND ORGANIZATIONS COVERED/LEGISLATIVE BODIES

A. What Is a Legislative Body?

The Act applies to the “**legislative bodies**” of all **local agencies** in California, e.g., councils, boards, commissions and committees. The Act does not apply to individual decision makers who are not elected or appointed members of legislative bodies such as agency or department heads when they meet with staff, advisors, colleagues or anyone else. **Local agencies** include all cities, counties, school districts, and special districts. State agencies are covered by a similar, but separate, law, the Bagley-Keene Act.

The **governing body** of a local agency is the most basic type of “legislative body” covered by the Act. In addition, **subsidiary bodies** created by the governing body are also covered in most instances. As a general rule, any board, commission, committee or other body created by charter, ordinance, resolution or formal action of a legislative body is itself a “legislative body”, whether permanent or temporary, advisory or decision-making.

1. *Ad hoc* v. Standing Committees

A “**standing committee**” has either “continuing subject matter jurisdiction” or a regular meeting time and is comprised solely of less than a quorum of members of the body. It is covered by the Act. At VTA, the four Board standing committees, and each advisory committee, constitutes a “standing committee” under the Act.

An “*ad hoc*” committee has a specific task or assignment and the Committee does not survive completion of the task and is comprised solely of less than a quorum of the members of the body. An *ad hoc* committee is not subject to the Act.

MEETINGS COVERED

C. Definition of Meeting.

A “meeting” includes a gathering of a **majority** of the **members** of a legislative body to **hear, discuss, or deliberate** upon any item which is within its **subject matter jurisdiction**. (§ 54952.2(a)) As defined, the term meeting is not limited to gatherings at which action is taken but also includes deliberative gatherings as well.

D. Means of Communication.

Serial meetings. Members of the body do not need to congregate at the same time and place to “meet.” The Brown Act prohibits a majority of a body from meeting serially outside of a meeting to discuss and deliberate on issues coming before the body.

Therefore, under the Act, a meeting includes any use of *direct communication, personal intermediaries, or technological devices* which are employed by a majority of the members of the legislative body *to develop a collective concurrence.*

1. A serial meeting can occur in two ways:
 - a. Chain: If member A contacts member B, and B contacts member C, and C contacts member D, and so on, until a quorum has been involved.
 - b. Hub-and-spoke: An intermediary, such as the agency manager or attorney, contacts at least a quorum of the members of the legislative body to develop a collective concurrence (or communicate each member’s respective positions) on an action to be taken by the legislative body.

E. What Is Not A Meeting?

1. The six exceptions:
 - a. Individual contacts or conversations
 - b. Conference or seminar
 - c. Other organization or community group’s open & publicized meeting
 - d. Other legislative body’s meeting
 - e. Purely social or ceremonial
 - f. Attendance as observers of a standing committee

NOTICE, AGENDA AND MEETING REQUIREMENTS

F. Categories of Meetings Subject to The Brown Act.

1. Regular Meetings: Regular meetings of the legislative body, excluding advisory committees and standing committees, must be held at the time and place set by ordinance, resolution, or bylaws. (§ 54954(a).)

2. Special Meetings:

- a. The presiding officer or a majority of the legislative body may call a special meeting at any time.
- b. Written notice must be delivered to each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation, and to each radio or television station which has requested such notice in writing at least 24 hours before the time of the meeting.
- c. Only the business set forth in the notice may be considered at the meeting.

G. Exceptions to Open Meetings: Closed Sessions.

1. Basis for closed sessions—must be express statutory authority
 - a. Litigation (pending or anticipated)
 - b. Personnel (evaluations, discipline, and labor negotiations)
 - c. Real estate negotiations (price and terms of payment)
1. Who may attend?
Negotiators, agency attorney, other personnel with an essential role— never adverse party
2. Must minutes be taken?
No – but some record of the actions taken in closed session good idea, and a court may order closed session recorded under certain circumstances
3. Reporting from closed sessions
Only certain actions are “reportable” under the Act
4. Information shared in closed session is confidential and may not be divulged—remedies include injunctive relief, disciplinary action

H. Location of Meetings.

Regular and special meetings of a legislative body must generally be held *within the boundaries* of the agency’s jurisdiction. Exceptions include attendance at multi-agency meetings or discussions. Teleconferencing of less than a quorum of members allowed with special notices and posting.

I. Agenda Requirements.

1. General Rules:

- a. A written agenda must be prepared for each regular, special or adjourned meeting of the legislative body.
- b. The agenda must be posted at least 72 hours in advance of a regular meeting and 24 hours before a special meeting.
- c. Each item of business to be transacted or discussed, including items to be discussed in closed session, must be the subject of a brief general description, which generally need not exceed 20 words. Descriptions should be sufficient for an average citizen to decide whether he or she is interested in attending the meeting.
- d. Closed session items are listed using the safe harbor language contained in the Act.
- e. The agenda listing of the action to be taken must be followed, and designation of an “Information” (rather than an “Action”) item controls, i.e. body cannot take action on an item designated as informational only.

[Reported case: Agenda listing of “(high) school site change” allowed decision to change site but did not allow action to discontinue elementary school education at new site or transfer of students to another elementary school (closure actions)—inadequate notice and misleading to public.]

2. Non-Agenda Items:

Action or discussion on any item not appearing on the posted agenda is prohibited except that members may briefly respond to statements made or questions posed by the public. In addition, members may:

- a. Ask a question for clarification;
- b. Make a brief announcement;
- c. Make a brief report on activities;
- d. Provide a reference to staff or other sources for factual information;

- e. Request staff to report back to the legislative body in a subsequent meeting; or
 - f. Direct staff to place a matter of business on a future agenda.
3. Adding to the Agenda:
- a. Need to take action before next regular meeting and matter came to the attention of the agency after posting of the agenda. Best practice is to amend posted agenda if there is time. A 2/3 vote of the legislative body is required to add an item to an agenda under this rule.
 - b. Emergencies – An emergency is defined as work stoppage affecting public health or safety or a crippling disaster (flood, fire, earthquake, etc.). A majority vote is required to add an item involving an emergency to an agenda.

Rights of the Public at Meetings

J. Attendance.

“All persons shall be permitted to attend...” (§54953.)

- 1. Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise fulfill any condition precedent to attending. If an attendance list, register, questionnaire or similar document is circulated to persons present during the meeting, it must state that the signing, registering or completion of the document is voluntary.
- 2. No meeting or any other function can be held in a facility that prohibits attendance based on race, religious creed, color, national origin, ancestry or sex, or which is inaccessible to the disabled.
- 3. No meeting may be held where the public must pay or make a purchase to attend.

K. Meeting Records.

- 1. The public has the right to review agendas and other writings distributed to a majority of the legislative body (except for privileged documents). A fee or deposit may be charged for a copy of a public record.
- 2. Writings must be made available to the public at the time of distribution to a majority of the legislative body meeting.

L. Participation.

1. A regular meeting agenda must allow an opportunity for members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the legislative body.
2. The public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.

ADJOURNMENTS AND CONTINUANCES

M. Adjournments.

The legislative body may adjourn any regular or special meeting to a time and place specified in the order of adjournment. Written notice of the adjournment must be posted on or near the door of the place where the meeting was held within 24 hours of the adjournment. If the subsequent meeting is held within 5 days, matters on the original agenda may be acted upon at the subsequent meeting. If the subsequent meeting is more than 5 days later, a new agenda must be prepared and posted.

N. Continuances.

A duly noticed hearing may also be continued in the same manner as adjourned meetings. However, if the hearing is continued to a meeting that will occur in less than 24 hours, a copy of a notice of continuance must be posted immediately following the meeting at which the continuance was adopted.



- Roles & Meeting Schedule -

General Plan Advisory Committee (GPAC):

The role of the **General Plan Advisory Committee (GPAC)** in the preparation of a public hearing draft of the Mill Valley General Plan 2040 will be to:

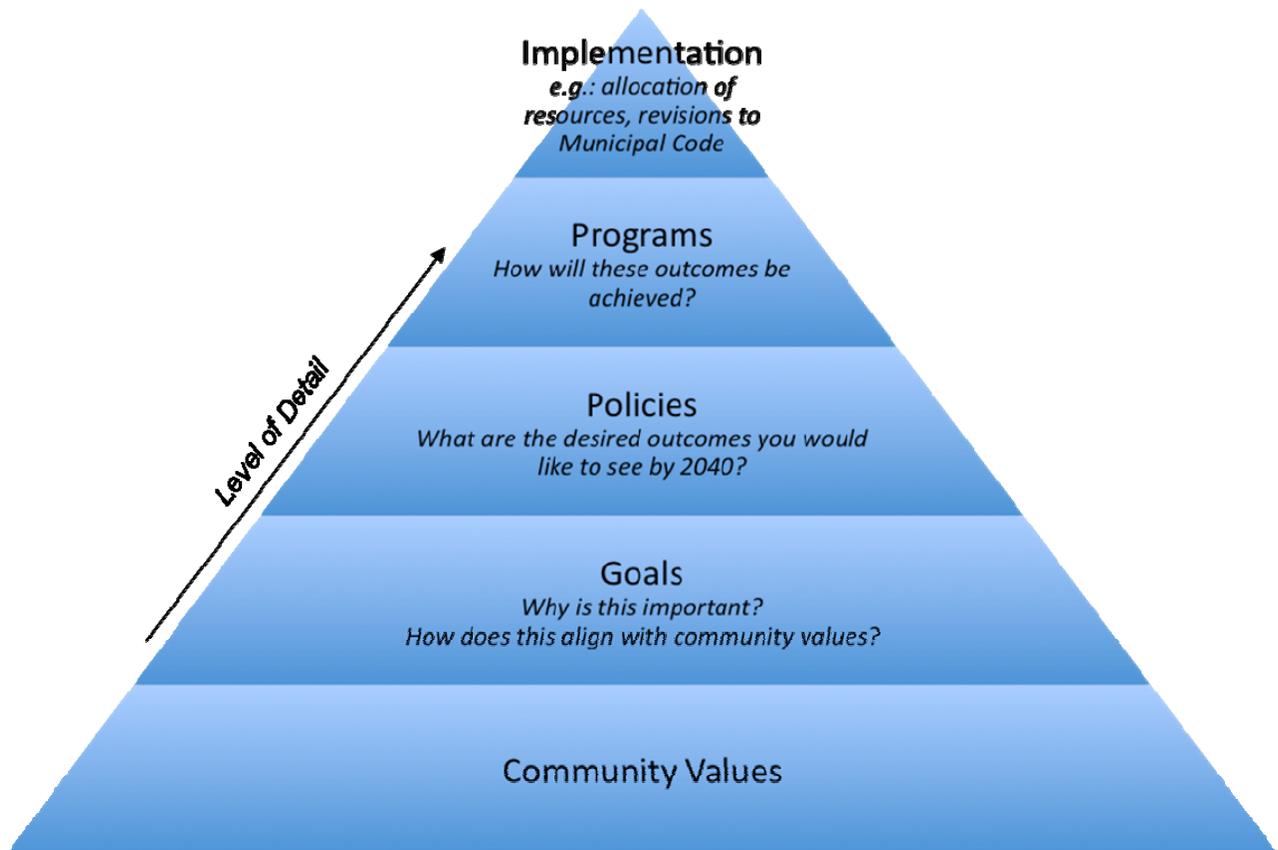
- Provide oversight, coordination and direction to the GPAC Working Groups, City staff and consultants in conformance with community input and the overall scope and timeline of the General Plan update process.
- Identify the respective priority General Plan topic areas that will be explored and evaluated in-depth by the three Working Groups. Direct Working Groups tasks, as necessary.
- Create, appoint and direct any additional Working Groups or GPAC *ad hoc* sub-committees it may deem necessary to address General Plan topics or issues that may be of a special need or beyond the scope of work of the identified Working Groups.
- Provide regular liaison reports to the City Council, Planning Commission and other City Boards and Commissions, as necessary. Where there is not already a direct liaison relationship between a GPAC member and a given Board or Commission, the GPAC Chair may appoint a liaison from among the GPAC members.
- Review recommendations of the respective Working Groups and any *ad hoc* sub-committees to insure that they are consistent with and supportive of accepted “Community Values” and the long-range vision for Mill Valley, as expressed through General Plan goals.
- Review and amend, as necessary, all Working Group and *ad hoc* sub-committee policy recommendations to insure that they are consistent with each other, and all recommended implementation programs are feasible and achievable in terms of time, responsibility and available resources.
- Make final recommendations to staff on the scope and content of all policies and programs to include in the preparation of a Draft General Plan.
- Provide a final review of the Draft General Plan and a recommendation to the Planning Commission prior to the start of public hearings.

Working Groups:

There are three Working Groups established to assist the GPAC: Land Use & Mobility; Natural Environment; Community Vitality. Each Working Group will have a scope of work of priority General Plan topics identified by the General Plan Advisory Committee (GPAC) and may, as time allows, consider other topics as directed by the GPAC. The role of the three Working Groups in the preparation of a public hearing draft of the Mill Valley General Plan 2040 will be to:

- Conduct hands-on, in-depth research, review and evaluation of identified General Plan topic areas with the assistance and support of staff and consultants and as identified by the General Plan Advisory Committee (GPAC).
- Develop and refine policy and program recommendations for each respective priority topic area.
- Report to the GPAC on Working Group progress and recommendations according to the approved schedule of meetings.

Work Products that will be incorporated into the Draft General Plan:



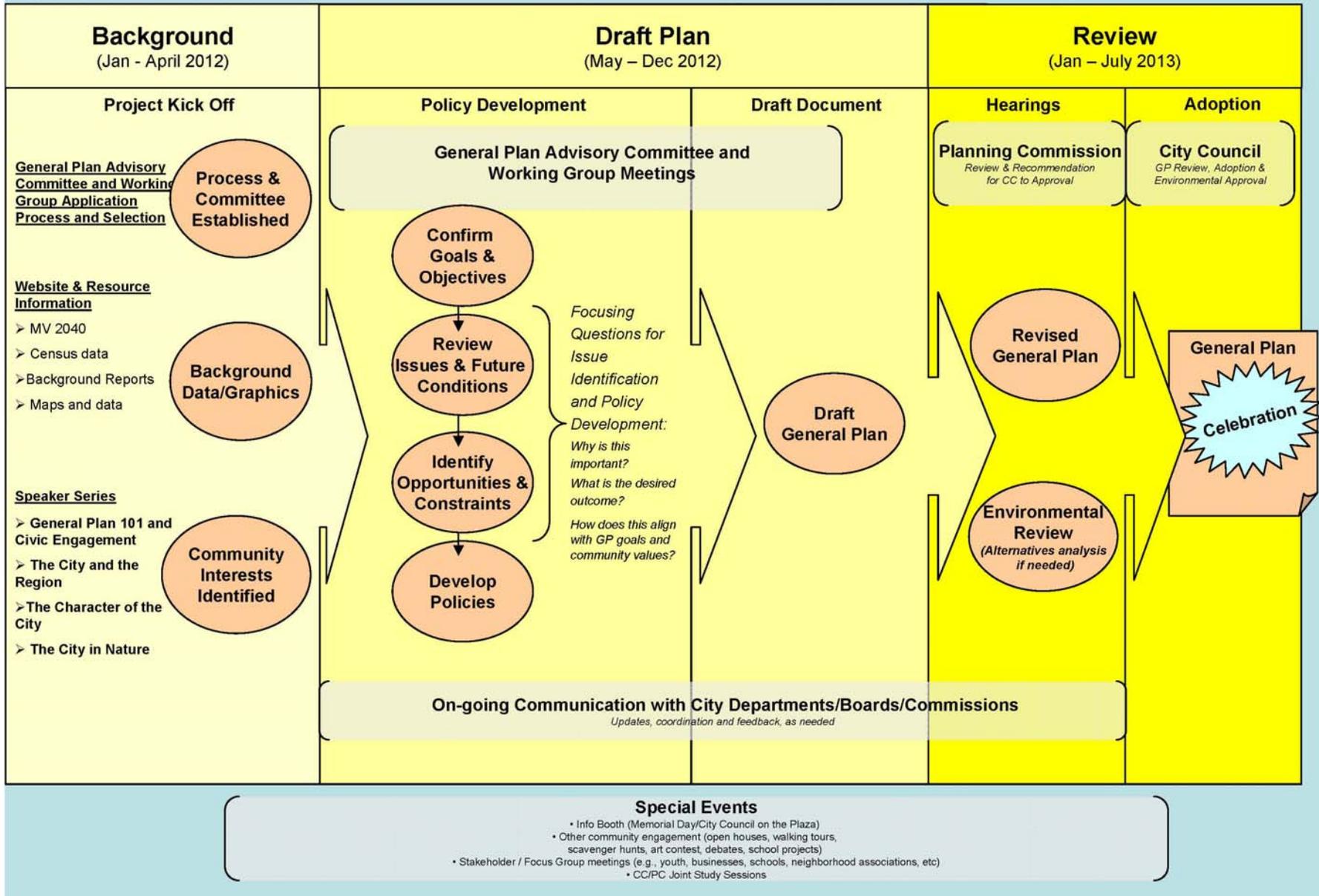
Tentative Meeting Schedule:

Meeting	Purpose	Tentative Date
GPAC Organizational Meeting	<ul style="list-style-type: none"> ▪ General Plan overview; Elect Chair/Vice-Chair; ▪ Review and approve Meeting Guidelines and schedule 	April 18
GPAC/Working Group Organizational Meeting	<ul style="list-style-type: none"> ▪ Joint GPAC/Working Group Meeting: General Plan overview; ▪ Elect Working Group Chair/Vice-Chair; ▪ Approve Working Group meeting schedule ▪ GPAC identify priority topic areas to be addressed by the Working Groups 	April 25
GPAC/Working Group GPAC Meeting #1	<ul style="list-style-type: none"> ▪ Confirm community values (from the 1989 General Plan and as refined by community input between February and April 2012); ▪ Review existing conditions and trends; ▪ Confirm priority topic areas; ▪ Establish ad hoc committees, as necessary 	May 16/17
Working Group Meeting #1	<ul style="list-style-type: none"> ▪ Review existing resources (adopted plans, policies, etc.) ▪ Review existing conditions and trends; ▪ Identify information needs 	May 22/23/24
Community Event*	<ul style="list-style-type: none"> ▪ Information tables on the plaza: distribute information, respond to questions, etc. 	Memorial Day Monday, May 31
Working Group Meeting #2	<ul style="list-style-type: none"> ▪ Identify opportunities and constraints 	June 5/6/7
Working Group Meeting #3	<ul style="list-style-type: none"> ▪ Develop General Plan goals 	June 12/13/14
GPAC Meeting #2	<ul style="list-style-type: none"> ▪ Review progress of Working Groups; ▪ Confirm General Plan goals ▪ Provide direction to Working Groups and staff, as necessary 	June 26/27/28
Working Group Meeting #4	<ul style="list-style-type: none"> ▪ Formulate policies to address identified topic areas and consistent with identified General Plan goals 	July 10/11/12
Working Group Meeting #5	<ul style="list-style-type: none"> ▪ Formulate policies to address identified topic areas and consistent with identified General Plan goals 	July 17/18/19

Meeting	Purpose	Tentative Date
GPAC Meeting #3	<ul style="list-style-type: none"> ▪ Review progress of Working Groups; ▪ Confirm General Plan policies ▪ Provide direction to Working Groups and staff, as necessary 	July 31/Aug 1/2
GPAC/Working Groups		August Meetings as needed
Community Event*	<ul style="list-style-type: none"> ▪ Information tables. GPAC and WG members welcome to attend, listen to public, distribute information, ask questions, etc. 	Fall Arts Festival Comment Board & Kids Table Sept. 15 and 16
Working Group Meeting #6	<ul style="list-style-type: none"> ▪ Formulate programs based on policy recommendations 	September 4/5/6
Working Group Meeting #7	<ul style="list-style-type: none"> ▪ Finalize policy and program recommendations to GPAC 	September 11/12/13
GPAC Meeting #4	<ul style="list-style-type: none"> ▪ Review policy and program recommendations from Working Groups 	September 25/26/27
GPAC Meeting #5	<ul style="list-style-type: none"> ▪ Finalize policy and program recommendations ▪ Provide direction to staff on preparation of Draft General Plan 	October 16/17/18
GPAC Meeting #6	<ul style="list-style-type: none"> ▪ Review Draft General Plan and make recommendation to the Planning Commission and City Council 	December 4/5/6

* Additional community outreach will be developed, as necessary. Staff encourages Working Groups to utilize MV2040.org to post ideas or questions in order to gather community input and feedback prior to meetings and decision making.

Process & Timeline





FREQUENTLY ASKED QUESTIONS MV 2040 - General Plan Update

Q: What is the role of Advisory Committees and Working Groups?

A: General Plan Advisory Committee (GPAC)

The GPAC is a nine member committee made up of one City Council member, one Planning Commissioner; and seven community members appointed at-large.

Role: The GPAC will provide oversight and direction to Working Groups and staff on designated topic and issue areas. The GPAC will review the recommendations of the respective Working Groups, provide additional direction, where needed, and make final recommendations to staff on the policies and programs to be included in the Draft General Plan.

General Plan Working Groups

Initially, there will be three Working Groups who will focus on the following topics: Natural Environment, Community Vitality, Land Use and Mobility. More Working Groups may be formed later in the process as determined to be necessary. Each Working Group will have no more than eleven members and will consist of one City Council member (not on the GPAC), and up to ten community members appointed at-large based on interest, knowledge or experience in particular topic or issue areas.

Role: General Plan Working Groups will conduct hands-on, in-depth evaluation of issues and be responsible for developing, refining and presenting detailed policy and program recommendations for their respective topic areas to the General Plan Advisory Committee.

Q: How will the community participate in the General Plan Update?

A: Opportunities for participation include: a [website and resource center](#); an interactive virtual [community meeting space](#); [email notifications](#); a speaker series and public discussions on community and General Plan topics; special events and stakeholder meetings (e.g., in conjunction with the Memorial Day Parade or Library events; youth programs in conjunction with Mill Valley Schools and Tam High and programs with local business,

neighborhood associations, etc.); publicly noticed advisory committee meetings; and public hearings. The overall intent of the participation program is to use a variety of means to attract the widest range of participation without the traditional public meeting being the centerpiece of the process.

The introductory phase (January through April, 2012) is intended to provide the community with a common foundation of information, legal requirements and resources about the General Plan and topics specific to Mill Valley. The next phase - leading to a draft General Plan - will be focused on the work of the Advisory Committee (and staff), with public input along the way, to create the policy framework that will be the basis for the new Plan. In addition to the Advisory Committee, staff from other City departments will be regularly involved in supporting the work of the Advisory Committee on topics/issues specific to those departments and helping guide the preparation of the Plan. The Miller Avenue Streetscape Plan had a similar level of involvement from all City departments that was critical to the success of the process and the resulting Plan. This will be an iterative process beginning with confirming the 7 community values from the 1989 Mill Valley General Plan as the long-term (at least 20 years, but perhaps longer, depending on the issue) goals of the Plan and then moving on to identify future conditions, opportunities and constraints. That assessment will then lead to developing new or revised policies that will enable the City to anticipate and respond to changing circumstances and achieve desired outcomes over the life of the Plan.

Following preparation of a draft General Plan, the Planning Commission and then the City Council will hold public hearings on the draft Plan and the environmental review. In accordance with state law, the Planning Commission hearings would lead to a recommendation to the City Council. The City Council would then hold their own hearings before taking a formal action to adopt the environmental review and General Plan.

Q: What is a General Plan?

A: City plans have existed throughout the history of urban development as a means to organize space and insure that essential ceremonial and communal functions could be accommodated. Beginning in the early 20th Century, and in response to the detrimental effects of rapid urbanization (inadequate housing, poor sanitation, industrialization, etc.), city plans emphasized a compelling vision of a future (the "city beautiful"; the "garden city") intended to engage the public, build civic pride, and encourage long-term investments and decision-making that would ultimately realize the goals of the plan. By the 1920's states began adopting planning and zoning enabling laws that allowed local governments to regulate the use and development of individual properties under the premise of protecting the public health, safety and welfare. These laws typically made zoning ordinances the primary tool for guiding growth and development, while general (or comprehensive) plans were considered to be optional, advisory documents. That is still true in many states, even today.

In 1971, the state of California amended its Government Code to make General Plans mandatory for every city and county in the state and further, and more significantly, required all local land use approvals to be consistent with the jurisdiction's General Plan. In 1990, the California Supreme Court firmly established the General Plan as the pre-eminent statement of local planning policy governing future growth and development, calling it "the constitution for all future development." On-going changes in state law and successive interpretations by the courts continue to add to the scope and responsibilities of the General Plan. However, in its purest form, the General Plan is the link between the expressed values and vision of the community and the resulting public process and decision-making that affect the physical, social, environmental and economic character of the community.

Q: What is the scope of a General Plan?

A: State law and the collective body of court decisions over the years clearly establish the basic components of a General Plan and how these components are to be interwoven to create a "longterm", "comprehensive", "integrated, internally consistent and compatible statement" of goals and policies that reflect local conditions and circumstances. The law requires that a General Plan address seven subject areas, known in the law and by practice, as "elements", and that each element establish goals, policies and implementation programs and time frames for the subject matter in each element. The mandatory elements are:

- land use
- circulation
- housing
- open space
- conservation
- noise
- safety

The law and the state's "General Plan Guidelines" (created and periodically updated by the Governor's Office of Planning and Research to assist localities in preparing a General Plan) includes specific requirements for each element as to the level of detail and analysis that must be addressed in the plan. The "Housing Element" has the most specific content requirements, including its own separate schedule of mandatory revision (currently every 7 years); and it is the only General Plan element that requires the separate approval (called "certification") of a state agency, the department of Housing and Community Development (HCD). However,

the internal consistency requirement of General Plan law is intended to insure that all elements have equal importance and priority in their application and implementation.

Beyond the mandatory elements of the General Plan, there is a great deal of flexibility to address local conditions and circumstances through additional elements. Many General Plans contain elements that address the local economy, urban design, bicycle and pedestrian needs, parks and recreation, social services, public health, sustainability and so forth. There is also a great deal of flexibility in creating the format of the General Plan so that certain topics can be better integrated. For example, the Circulation element, which has traditionally focused on roadway networks and accommodating motor vehicle movements, has evolved into a much more comprehensive analysis of "mobility" that analyzes all means of personal and public transportation, as well as the movement of goods and services.

Although the scope of the General Plan focuses on local conditions and circumstances, it also offers an opportunity to do that in a broader context. Many local issues are influenced by factors that do not necessarily recognize the city limits: traffic, air quality, housing, natural disasters and water supply, to name several. The process of preparing a General Plan allows the local community to look beyond its borders and not only collaborate with other communities and agencies on solutions to common problems, but also build relationships that can result in more effective policy and program implementation into the future. Within the organization, the General Plan process can be a tool for building better working relationships among departments by clarifying regulatory and program implementation roles and responsibilities and future budget and capital project priorities.

Q: Why is important to have a current General Plan?

A: There are several reasons why it is important to have a current General Plan:

- **Community Vision** - The General Plan preparation and adoption process offers the opportunity to bring the community together to express (or confirm) its collective values and shape a common vision for the future and dealing with future conditions. A strong and clear vision built on broad-based participation and consensus will guide long-term decision-making and build community.
- **Public Policy Coordination** - The General Plan is not just a land use document that governs future growth and development. It is where all of a community's major policy initiatives are identified, assessed and expressed in a comprehensive and consistent form. As such, the General Plan process allows for a community discussion about policy goals and objectives, which can then lead to the identification of implementation programs, timing and priorities. The internal consistency requirement

of the General Plan helps insure that there is coordination among the various elements of the plan.

- **Budget and Capital Investment Coordination** - An up-to-date General Plan can be used to strategically identify budget and capital investment priorities based on realizing the vision of the plan and its implementation priorities. It is a management tool used by all City departments and decision-makers.
- **Legal Basis for Implementation** - State statutes and established case law require that local government decisions affecting a community's growth and development must be consistent with the General Plan. Although this requirement is most commonly expressed through the City's review of and action in matters regarding land use, the same legal standard of consistency with the General Plan can also apply to adopting new regulations and fees or undertaking new program or service initiatives that affect the entire community.

Q: What is the proposed timeline for the General Plan Update?

A: The current proposal calls for the completion of the General Plan update in 18 months. A background and informational stage which includes an online community survey and a series of informational public workshops would commence following City Council direction and conclude by the end of April of 2012.



The 18-month timeline is based having approximately one year (January - December of 2012) to prepare a draft plan (including the Housing Element); and then the first half of 2013 for public hearings by the Planning Commission and City Council leading to adoption of a new General Plan.

Q: Will the General Plan Update include an environmental review?

A: General Plan revisions and updates are "projects" as defined by the California Environmental Quality Act (CEQA) and, as such, typically require the preparation of an Environmental Impact Report (EIR). A General Plan

EIR is often the costliest and most time consuming facet of a General Plan process. Communities have been able to adopt a General Plan with a "Mitigated Negative Declaration", but that is dependent on the scope of change that is proposed by the Plan over time and whether those changes could create a "significant impact" on the environment. The environmental determination is not made until the General Plan is at the draft stage, where there can be an appropriate level of assessment of impacts and potential mitigations. Preparation of an Environmental Impact Report will require consultant assistance in various technical areas (e.g., transportation, air quality, water quality, biological, historic resources, etc.). The proposed General Plan budget anticipates the use of consultants for environmental work, but the greater impact may be on the overall timeline and may delay adoption. Unfortunately, scope and timing implications are unknown until the content of the draft General Plan (such as policies and programs) are identified.

Q: What will updating the General Plan cost the City?

A: Staff has identified an overall cost of \$450,000 for the preparation of the General Plan, including an appropriate CEQA determination and process. The first installment of funds was included in the 2011-2012 budget in Planning and Building (Specialized Services/Advanced Planning). Subsequent installments of funds will be addressed in the next budget cycle and may be modified based on what is known of the process and scope of work at that time.

Q: Is updating the Housing Element part of the General Plan Update?

A: The Housing Element is one of the mandatory elements (or chapters) of the General Plan. It is also the element with the most state requirements attached to it and the only element of the General Plan that requires "certification" by a state agency: Housing and Community Development (HCD). One of the most prominent and contentious provisions of state Housing Element law is the requirement to plan for the Regional Housing Needs Allocation, or RHNA. This is a given city or county's share of anticipated regional housing growth for a specific 7-year cycle. It is not just affordable housing, but housing for all income levels, including moderate and market rate housing.

Since Mill Valley has not updated its Housing Element since 2003, this Housing Element revision will not only have to include addressing the RHNA for the current cycle (2007-2014), but also the next cycle beginning in 2015. The RHNA process for the next cycle is already underway and we will know our allocation for the next cycle before the proposed General Plan process is concluded.

There is an oft-mentioned perception in the community that the RHNA process is a product of the Association of Bay Area Governments (ABAG) and ABAG has "no teeth" to enforce whether a community complies with RHNA

allocation in its Housing Element. That perception is not correct. Housing Element requirements, including each jurisdiction's obligations to comply with RHNA, are found in state law (Article 10.6 of the California Government Code). ABAG's role in the RHNA process is also prescribed by state law. The Bay Area region (along with all other regional agencies or Councils of Government in the state) receive a regional allocation of housing need by income category from the state (the combined efforts of HCD and state Department of Finance). The regional agencies then negotiate with the state over the total number assigned to the region. The agreed upon aggregate regional number is then allocated to individual cities and counties within the region based on a methodology derived by a committee of local elected officials, staff members and housing developers working with regional staff and based on a combination of regional housing and household statistics, regional planning policies and local land use policies. Once the local allocation is determined, the Housing Element update cycle begins.

Failure to comply with Housing Element can eliminate a city or county from consideration for certain types of state and federal grants. It is also becoming an important determinant for funding for transportation grants as federal and state agencies have begun to link transportation improvements to land use planning. Failure to comply can also expose the City to lawsuits that can not only result in putting a local Housing Element process under judicial scrutiny, but also make the local jurisdiction responsible for all legal fees and could even result in a city being prevented from issuing any building permits until the Housing Element issues are resolved. There are communities across the state that choose to take the path of non-compliance and continue to take their chances with getting sued and the other related impacts of not having a certified Housing Element.

This proposal presumes that the City will take all the necessary steps to complete and adopt a current Housing Element and achieve certification from HCD. The intent of the HCD certification process is to ensure that each community in the state is doing its part - its fair share - to plan for new housing demand during the Housing Element cycle and comply with state law. However, the certification process acknowledges local circumstances and limitations and HCD will work with local agencies to find effective ways to meet required planning objectives. That does allow for some creativity and flexibility, as long as the underlying purpose is to comply with applicable requirements.