

1 INTRODUCTION

1.1 BACKGROUND

The *Draft Central Larkspur Specific Plan* (2001 Draft Specific Plan) (City of Larkspur 2001) was prepared by Thomas Cooke Associates for the City of Larkspur (City) in June 2001 to facilitate the redevelopment of a 22-acre area adjacent to downtown Larkspur. The *Draft Central Larkspur Specific Plan Draft Environmental Impact Report* (previous Draft EIR) (City of Larkspur 2002) was subsequently prepared by Lamphier-Gregory for the City pursuant to the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code [CEQA] §21000 et seq., as amended) and the State CEQA Guidelines (Guidelines) (Title 14 California Code of Regulations §15000 et seq.). The previous Draft EIR was based on the project description, goals, and policies described in the 2001 Draft Specific Plan.

In June 2002 the previous Draft EIR was circulated for a 45-day review period to affected agencies, interested organizations, and private individuals. A number of substantive comments were received on the previous Draft EIR; based on this input, it was determined that the 2001 Draft Specific Plan and the previous Draft EIR would be revised and updated as appropriate and recirculated pursuant to Guidelines §15088.5). Accordingly, the City prepared a revised Draft Specific Plan, dated October 2003.

The City has revised the previous Draft EIR to reflect the revised Specific Plan and recirculated this Revised Draft EIR under Guidelines §15087 for public review because significant new information was added to the EIR after public notice was given of the availability of the previous Draft EIR for public review but before the document was certified.

In accordance with the State CEQA Guidelines, a Notice of Preparation (NOP) of the Revised Draft EIR was distributed on April 2, 2003 to public agencies and organizations, as well as to private organizations and individuals with a possible interest in the project. The purpose of the NOP was to provide notification of the City's plans to prepare a Revised Draft EIR and to solicit input on the scope and contents of the Revised Draft EIR. Two comment letters were received in response to the NOP. The NOP and the comment letters are included in Appendix A of this Revised Draft EIR.

This Revised Draft EIR augments and updates the previous analysis and focuses on the environmental impacts identified as potentially significant, based on the City scoping process, including the comment letters received in response to the NOP, and based on comments received in response to the circulation of the previous Draft EIR. This Revised Draft EIR includes and incorporates text, exhibits, and reference documents from the previous Draft EIR, where appropriate.

This Revised Draft EIR will be circulated for a 60-day public review period. During that time, responsible agencies, organizations, and the public may submit written comments on the sufficiency or adequacy of the Revised Draft EIR in evaluating the environmental effects that may be associated with the adoption and implementation of the Specific Plan.

A public hearing on the Revised Draft EIR will be held during the 60-day public review period. Oral and written comments on the adequacy of the Revised Draft EIR received at the public hearing and written comments received during the public review period will be included in the Final EIR. Responses to all comments received on the Revised Draft EIR will be presented in the Final EIR, and the text, tables, and exhibits in the Final EIR will be revised as appropriate.

Because the EIR has been substantially revised and the entire Revised Draft EIR is recirculated, the City will not individually respond to those comments received during the earlier circulation period; however, these comments are part of the administrative record and are available for review at the City Planning Department's public counter during business hours:

City of Larkspur Planning Department
400 Magnolia Avenue
Larkspur, CA 94939

The City requests that reviewers submit new comments on the Revised Draft EIR (Guidelines§15088.5[f][1]). The City will respond to all comments received during the recirculation period. Accordingly, with this document, the City has directly notified every agency, organization, or person who commented on the previous Draft EIR that it does not intend to respond to comments on the previous Draft EIR and that new comments must be submitted. Although part of the administrative record, the previous comments do not require a written response in the Final EIR.

1.2 CEQA ENVIRONMENTAL PROCESS

This Revised Draft EIR has been prepared by the City in accordance with the requirements of CEQA, as amended, and the Guidelines. An EIR is an informational document that is designed to inform decision makers, other responsible or interested agencies, and the general public of the potential environmental effects of a proposed project. The environmental review process accomplishes the following objectives: enable decision makers, the public, and responsible agencies to evaluate a project in terms of its environmental consequences; allow examination and implementation of ways to eliminate or reduce any potentially adverse impacts; and allow consideration of alternatives to the project as proposed. While CEQA requires that major consideration be given to avoiding environmental damage, the lead agency and other responsible agencies must balance adverse environmental effects against other public objectives, including economic and social goals, in determining whether and in what manner a project should be approved.

The basic purposes of CEQA are to:

- ▶ inform governmental decision makers and the public about the environmental effects of proposed activities,
- ▶ involve the public in the decision-making process,

- ▶ identify ways that damage to the environment can be avoided or significantly reduced, and
- ▶ prevent environmental damage by requiring changes in the project through the use of alternatives or mitigation measures.

Before approving the project, the City, as the lead agency and decision-making entity, is required to certify that the EIR has been completed in compliance with CEQA, that the proposed project has been reviewed and the information contained in the EIR has been considered, and that the EIR reflects the independent judgment of the City. Additionally, before approving the project, CEQA also requires the City to adopt “findings” with respect to each significant environmental effect identified in the EIR (CEQA §21081, State CEQA Guidelines §15091). For each significant effect, CEQA requires the approving agency to make one or more of the following findings:

- ▶ The project has been altered to avoid or substantially lessen significant impacts identified in the EIR.
- ▶ The responsibility to implement alterations or carry out mitigations is under the jurisdiction of another agency. Such alterations or mitigations have been adopted or should and can be adopted by another agency
- ▶ Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make the mitigation measures or project alternatives identified in the Final EIR infeasible.

If the City concludes that the proposed project would result in the significant effects identified in the EIR, but those effects would not be substantially lessened or avoided by feasible mitigation measures and alternatives, the City must adopt a “statement of overriding considerations” before approving the proposed project (CEQA §21081[b], Guidelines §15093). Such statements are intended under CEQA to provide a written means by which the City balances in writing the benefits of the proposed project and the significant and unavoidable environmental impacts. Where the lead agency concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, the City may find such impacts “acceptable” and approve the project.

In addition, pursuant to CEQA §21081.6, the City, when approving a project, must also adopt a monitoring or reporting program for the changes that were incorporated into the project or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program is adopted at the time of project approval and must be designed to ensure compliance during project implementation.

This EIR analyzes the potential significant environmental effects of adopting the proposed Central Larkspur Specific Plan (Specific Plan). The Guidelines define “significant effect on the environment” as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project ...” (State CEQA Guidelines §15382). The

Revised Draft EIR recommends mitigation measures to reduce these impacts and also addresses less-than-significant environmental effects.

The Specific Plan does not propose the development of any individual projects, but does provide a framework for general future development within the Specific Plan and serves to provide a Preliminary Development Plan for Subarea 3. Although the Specific Plan establishes density ranges for future development, setback requirements, dedication, and/or fee requirements, site-specific details for future development projects, including the Precise Development Plan for Subarea 3, are largely unknown at the present time. For this reason, the evaluation of the environmental impacts that may be associated with adoption and implementation of this Specific Plan is appropriately more general than would be conducted for an EIR that focuses on a specific development project.

Because of the general (rather than project-specific) focus of the Specific Plan, the use of a “Program” EIR is appropriate in reviewing the environmental impacts that may be associated with implementation of the Specific Plan. This EIR has therefore been prepared as a Program EIR rather than as a more detailed “Project” EIR, pursuant to State CEQA Guidelines §15168. A Program EIR may be prepared on a series of actions that can be characterized as one large project and are related geographically and are logical parts in the chain of contemplated actions. The Program EIR allows the City to consider broad policy alternatives and programwide mitigation measures at an early time when there is greater flexibility to deal with basic problems or cumulative impacts.

It is expected that this EIR will be used as a “first tier” document that assesses in a broader fashion, impacts of subsequent, individual development proposals. Consistent with Guidelines §15168(a) the City of Larkspur will use this analysis in conjunction with project-specific analyses of projects proposed for the Specific Plan area in its evaluation and decision-making process. A comment received on the previous DEIR expressed concern that individual projects would be approved without additional environmental review. Specifically, Government Code §65457 exempts from CEQA review “[a]ny residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan” for which an EIR has been certified. Similar provisions are made in CEQA §21087.7(a) and Guidelines §15182. However, Government Code §65457 further states that substantial change in the project, substantial changes in circumstance, or the availability of new information after adoption of the specific plan would invalidate the exemption unless and until a supplemental environmental impact report for the specific plan or project is prepared and certified.

Future development projects are required to obtain planning approvals from the City of Larkspur. While it is the City’s intention to use the information and analysis in this EIR for future projects to the maximum extent practical to avoid repetitive discussion and duplication of effort, it is also the City’s intention to conduct project-level environmental review of individual projects, including elements that cannot be known at this time. For example, specifics of traffic generation and distribution, elements of site design, visual and aesthetic

quality, relationship to Larkspur Creek and proposed protection measures, and other issues will need to be evaluated in the context of the Specific Plan EIR analysis as they relate to future development proposals. At the time that development applications are received, the City will determine the content and degree of further site-specific environmental review and will prepare the appropriate environmental document. As such, subsequent environmental documentation will be required for development activities that may have effects that were not adequately addressed in this EIR.

1.3 PERMITS AND OTHER APPROVALS THAT MAY USE THIS EIR TO IMPLEMENT THE PROJECT

The first set of approvals that will be considered by the Planning Commission and City Council will include amendments to the General Plan and the Downtown Specific Plan, adoption of the Specific Plan, and rezoning of Subarea 3 to Planned Development District, with the adoption of the Specific Plan as the Preliminary Development Plan. These actions are just the first steps in a chain of contemplated City actions that will guide the ultimate development of the area defined within the Specific Plan boundaries. Subsequent City approvals must be granted and other actions must occur before site development. The information included in this EIR will also be used by other regulatory agencies in deciding whether to grant permits or approvals necessary to construct and operate proposed projects. The permits and other required approvals are listed in Table 1-1.

| Agency | Permit/Approval/Certification | Reason |
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| City Council (Subsequent to review and recommendation by the Planning Commission) | Certification of the Final Central Larkspur Specific Plan EIR | To certify the Final EIR as adequate and complete review of the environmental effects of the Specific Plan. |
| | Approval of amendments to the General Plan and the Downtown Specific, adoption of the Central Larkspur Specific Plan, and rezoning of Subarea 3 | To amend the General Plan to redesignate 16.8 acres from Low Density Residential to Low Density Residential and Parkland and revise the land Use Element and Circulation Plan, to amend the Downtown the Specific Plan to remove Subareas 1 and 2 from the Downtown Specific Plan boundaries, to adopt the Specific Plan, and to rezone Subarea 3 from L-1, Light Industrial, to P-D, Planned Development District with the Specific Plan as the Preliminary Development Plan. |

| Table 1-1 Permits and Other Required Approvals that May Use This EIR to Implement the Project | | |
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| Agency | Permit/Approval/Certification | Reason |
| City Council and Planning Commission | Certification and approval of project-specific environmental documents, as appropriate | To review project-specific elements. |
| | Planning approvals for individual development projects including rezone, design review, use permits, tentative and subdivision maps, historic preservation review, grading permits, and other entitlements as required by the Zoning and other City Ordinances | To ensure that subsequent development projects are reviewed by the City for their consistency with the Specific Plan. |
| City Department of Public Works and Engineering | Approval of stormwater drainage facilities | To ensure that development plans are in compliance with the City's storm drainage design standards. |
| | Approval of Erosion Control Plan | To control the potential for stormwater to erode soils and cause them to enter Larkspur Creek. |
| | Issuance of grading permit | To ensure that grading is conducted in compliance with the City's grading standards. |
| Heritage Preservation Committee | Historic preservation review | Advisory to City Planning Commission to ensure that development projects are reviewed for protection of historic resources. |
| State Water Resources Control Board | Storm Water Pollution Prevention Plan | Required for the discharge of stormwater from construction and developed areas that are 1 acre or larger. |
| California Environmental Protection Agency, Department of Toxic Substances Control | Demolition Plan approval | Required for the safe demolition of existing structures. |
| | Removal Action Workplan and Health and Safety Plan | Required to reduce the impact of contaminated soils. |