

Appendix A

Notice of Preparation and Comment Letters

This Appendix includes comment and response letters to the Notice of Preparation (NOP), some of which are emails or scanned documents that may not be readable in alternate test. If you cannot access some of these data, contact the City at 415-927-6713 for assistance.



CITY OF LARKSPUR

**Planning Department
400 Magnolia Avenue
Larkspur, CA 94939**

Phone 415 927-5038
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www.ci.larkspur.ca.us

**City of Larkspur
Notice of Preparation of a Program Environmental Impact Report
And Notice of a Public Scoping Meeting
City of Larkspur General Plan Update**

Date: December 21, 2020

To: State Clearinghouse, Responsible Agencies, Trustee Agencies, and Other Interested Agencies, Parties, and Organizations

From: City of Larkspur, Planning Division

Subject: Notice of Preparation of a Programmatic Environmental Impact Report for the City of Larkspur General Plan Update and Notice of Public Scoping Meeting

NOTICE IS HEREBY GIVEN THAT the City of Larkspur (lead agency) will prepare a Program Environmental Impact report (EIR) for the proposed City of Larkspur General Plan Update (proposed project). The Program EIR will address the environmental impacts associated with the adoption and implementation of the City of Larkspur General Plan Update. This Notice of Preparation (NOP) is being distributed to applicable responsible agencies, trustee agencies, and interested agencies, parties, and organizations as required by the California Environmental Quality Act (CEQA). Interested agencies are requested to comment on the scope and content of the significant environmental issues, mitigation measures (if needed), and reasonable alternatives to be explored in the Program EIR. Information regarding the project description, project location, public outreach process, and topics to be addressed in the Program EIR are provided below.

PROJECT-RELATED DOCUMENTS: The City of Larkspur's existing General Plan documents, and materials related to the General Plan Update and Program EIR are available at: Cityoflarkspur.org/generalplanupdate

30-DAY NOP COMMENT PERIOD: The City of Larkspur is soliciting comments from responsible agencies, trustee agencies, public agencies, organizations, and members of the public regarding the scope and content of the Program EIR, and the environmental issues and alternatives to be addressed in the Program EIR. In accordance with the time limits established by CEQA, the NOP public review period will begin on **January 4th, 2020**, and end on **February 4, 2021**. Please provide your written/typed comments (including name, affiliation, telephone number, and contact information) to the address shown below by **5:00 p.m., February 4, 2021**. To be placed on the notification list for this project, or need additional information, please contact:

Neal Toft
Director Building and Planning
City of Larkspur
400 Magnolia Avenue
Larkspur, CA 94939
Phone: 415.927.6713
Email: ntoft@cityoflarkspur.org

PUBLIC SCOPING MEETING: The City of Larkspur will hold a Scoping Meeting to: (1) inform the public and interested agencies about the proposed project; and (2) solicit public comment on the scope of the environmental issues to be addressed in the Program EIR, as well as the range of alternatives to be evaluated. The scoping meeting will be a remote, on-line meeting that can be accessed via the internet on January 7, 2021 at 6:30 p.m.

The access link to the Scoping Meeting is:
<https://zoom.us/j/91668739217?pwd=T2haSTdRT0ZkMktBRUthRXJ6QW0xQT09>
Call-In Number: +1 669 900 9128
Passcode: 274367
Webinar ID: 916 6873 9217

Additional instructions on how to access the meeting can be found on website at www.cityoflarkspur.org/generalplanupdate

GENERAL PLAN UPDATE PROJECT BACKGROUND: In 2010, a Draft General Plan Update began under the direction of a General Plan Update Citizen's Advisory Committee (CAC) appointed by the City Council. The CAC consisted of 15 community members appointed by the City Council, and six appointed members representing City boards and commissions and the Marin Commission on Aging. The CAC was tasked with identifying important community issues, providing input on General Plan policies, and encouraging community involvement in the General Plan Update. This process produced a draft document in 2011 that was set aside while the City completed the Larkspur SMART Station Area Plan, a planning document for the Larkspur Landing area that could have informed the final General Plan Update. Ultimately, the City Council chose not to adopt the Station Area Plan. Following that decision, it was necessary for the City to focus on several other key planning processes, most notably updating and obtaining recertification of the City's Housing Element Update before returning to the General Plan Update. In 2017, The City Council appointed a General Plan Update Steering Committee (GPUSC) comprised of two Councilmembers and two Planning Commissioners to assist staff in finalizing the draft plan, including evaluation of policies on recent developments, studies, and/or state mandates not previously considered by the CAC. The GPUSC met 13 times between February of 2018 and October of 2020. The current Draft General Plan Update (the project) was authorized by the City Council to undergo CEQA review on October 21, 2020.

PROJECT LOCATION: The City of Larkspur is located in the eastern urban corridor of Marin County, approximately 12 miles north of San Francisco. The Larkspur Planning Area (see Figure 1-1) includes the City of Larkspur, portions of the unincorporated community of Greenbrae, and the San Quentin Peninsula. The Larkspur Planning Area is bordered on the north by the City of San Rafael; on the south by the Town of Corte Madera; on the east by the Town of Corte Madera, the San Francisco Bay, and

unincorporated lands in the County; and on the west by the unincorporated communities of Kentfield, Kent Woodlands, the King Mountain Open Space Preserve, and the Corte Madera Ridge (see Figure 1-2). The City portion of the Planning Area encompasses approximately four square miles, and the unincorporated portion comprises approximately 1.13 square miles.

PROJECT DESCRIPTION: The City of Larkspur General Plan Update (proposed project) is a focused effort to refine the Objectives, Policies, and Programs within the existing General Plan to help guide and shape the community over the next 20 years. The Larkspur General Plan Update seeks to preserve Larkspur's small-town character, public open space, and natural resources, while reducing the impacts of sea level rise, climate change, and other natural hazards. The purpose of the proposed project is to bring the General Plan up-to-date and to reflect current laws and regulations.

The State requires that the General Plan contain seven mandatory elements: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. The Larkspur General Plan Update will include all of the State-mandated elements except for the Housing Element. The City's 2015-2023 Housing Element was adopted by the City on May 20, 2015. The City will initiate a new update of the Housing Element starting in 2021. The remaining required elements are included in the plan chapters summarized below:

The Land Use Chapter describes the physical, economic, and population growth and development of the City. It establishes the goals, programs, and policies for development and growth regulation within the City's Planning Area. It includes standards and guidelines for land use development and controls to maintain the historic character and diversity of the community while allowing development to meet local and regional requirements.

The Circulation Chapter addresses all transit styles and includes the goals, policies, and programs that guide the development and maintenance for a safe and efficient transportation system. This chapter emphasizes public transit, pedestrian and bicycle facilities, and parking and transportation management programs.

The Health and Safety Chapter describes the natural and human activity-related hazards that exist in the City and presents guiding policies to protect people and property from natural or man-made hazards, prepare disaster plans, and prevent exposure to unacceptable noise levels. This chapter addresses geologic, seismic, flood, and fire hazards, as well as hazards created by human activity such as hazardous materials and waste and incidents that call for emergency response. In addition, this element provides measures to control and abate noise and to protect citizens from excessive noise exposure.

The Natural Environment and Resources Chapter provides the framework to conserve existing natural resources, provide public access to natural resources, and preserve open space. This chapter addresses protection of Larkspur's native vegetation, wildlife habitat, sensitive natural communities, and conservation of open space, improvement to water and air quality, as well as conservation of water, energy, and reduction of solid waste. Recreation policies are included in this chapter to preserve and enhance current and future recreation opportunities.

The Community Character Chapter intends to maintain and strengthen the City's community identity, attractive and livable environment, and preserve its unique and

valuable historic and archaeological resources. The chapter develops a consistent, implementable set of goals, policies, and programs for Larkspur's distinct neighborhoods, natural and built environments, historic resources, cultural and tribal cultural resources, and community identity.

The Community Facilities and Services Chapter provides information about public facilities and their related level of available services and provides policies to guide their development in the future.

The Sustainability Chapter includes those actions the City will take, and encourage its residents to take, to reduce energy use, GHG emissions and other waste products of urban living, and actions to adapt to the varied effects of climate change, including sea level rise, increased flooding, and increased risk of wildfires. This chapter addresses the importance of sustainability principles to the City's future and provides a guide to where sustainability issues are addressed in the other chapters of the General Plan. Policies in other chapters that are particularly pertinent to sustainability are marked with an icon to denote their role in promoting sustainability in Larkspur.

The General Plan Land Use Map, attached as Figure 3-1, identifies land use designations for land within the City of Larkspur.

PROGRAM ENVIRONMENTAL IMPACT REPORT ANALYSIS: The City of Larkspur, as the lead agency under CEQA, will prepare a Program EIR for the Larkspur General Plan Update in accordance with CEQA, implementing the CEQA Guidelines, relevant case law, and City procedures. The Larkspur General Plan Update is considered a "project" under CEQA and is therefore subject to CEQA review. As a policy document, the General Plan provides guidance and sets standards for several areas of mandatory environmental review for later "projects" that would be undertaken by local government and the private sector.

The Program EIR will evaluate potential environmental impacts associated with adoption and implementation of the Larkspur General Plan Update. The Program EIR will disclose potential impacts of the General Plan Update, propose mitigation measures to avoid and/or reduce impacts deemed potentially significant, identify reasonable alternatives, and compare the environmental impacts of the alternatives to the proposed project's impacts. Pursuant to Section 15063(a) of the CEQA Guidelines, no Initial Study will be prepared. The Program EIR will evaluate the full range of environmental issues contemplated under CEQA and the CEQA Guidelines, as described below:

Aesthetics—This section will analyze potential impacts to aesthetics, including scenic vistas, scenic resources, visual character and quality, and light and glare within the City.

Air Quality—An air quality analysis will be prepared in accordance Bay Area Air Quality Management District requirements. A discussion of the General Plan Update's contribution to regional air quality impacts will be included.

Biological Resources—This section will address direct and indirect impacts to regulated waterways and wetlands, sensitive habitats and mature native trees, sensitive plants and wildlife, and wildlife movement corridors.

Cultural Resource and Tribal Cultural Resources—The Program EIR will examine potential adverse impacts the project would have on historical resources (or eligible historical resources), archaeological resources, and tribal cultural resources.

Energy—This section will include a discussion of the potential energy consumption

and/or impacts from implementation of the General Plan Update, with an emphasis on avoiding or reducing inefficient, wasteful, or unnecessary consumption of energy.

Geology, Seismicity, and Mineral Resources—This section will analyze potential geological, seismic, and mineral resource impacts from implementation of the General Plan Update.

Greenhouse Gas Emissions—The Program EIR will evaluate GHG emissions at a plan level, pursuant to guidance provided by BAAQMD. This will include 1) Identification of greenhouse gas emission thresholds and 2) greenhouse gas emissions analysis.

Hazards and Hazardous Materials—This section will discuss potential exposure to toxic substances resulting from activities within the Planning Area. Natural hazards will also be evaluated given proposed policies and the Local Hazard Mitigation Plan.

Hydrology and Water Quality—The Program EIR will analyze impacts of the General Plan Update on flooding drainage patterns, and water quality within the City. Large portions of the city are at risk of flooding due to the city's topography and projected sea level rise (SLR). The effects of SLR and City and regional response to mitigate the impacts from SLR will be thoroughly described.

Land Use and Planning—This section will summarize the City's land use characteristics, including the overall land use pattern, and determine the potential environmental effects of the proposed General Plan Update related to Land Use and Planning. The Draft General Plan contains few land use designation changes. However, these changes and their impacts on overall land use in the city will be assessed.

Noise—This section will analyze short-term construction-related impacts and long-term operational noise impacts on sensitive receptors.

Population and Housing—This section will examine existing and future development potential, and growth impacts within the City.

Public Services— This section will analyze impacts on public services, including police, fire, and schools, from implementation of the General Plan Update.

Recreation— This section will analyze the potential impacts on recreational and open space resources from implementation of the General Plan Update.

Traffic and Circulation— This section will analyze the General Plan Update's impacts on the circulation system, including vehicle miles traveled, safe routes to school, Complete Streets, and all modes of transit.

Utilities—This section will analyze the potential impacts associated with water supply, wastewater services, and other utilities and service systems.

Wildfire—This section will analyze the potential impacts from wildfire risks, including adopted emergency and evacuation plans, infrastructure, and land and drainage stability. As a substantial portion of the City is within the Wildland-Urban Interface and a high fire hazard severity zone, particular attention will be paid to exposure to wildfire and adequacy of plan policies to address this hazard.

Cumulative Impacts—The Program EIR will also discuss the cumulative impacts of the project in combination with other closely related past, present, and reasonably foreseeable probable future projects in the vicinity.

Project Alternatives—The Program EIR will describe and evaluate the comparative

merits of a range of alternatives to the project that could reasonably accomplish most of the basic project objectives and could avoid or substantially lessen one or more of the significant impacts. The Program EIR will also analyze the “No Project Alternative” and will identify the environmentally superior alternative. The Program EIR will briefly describe and explain any alternatives that were eliminated from detailed consideration. The alternatives to be analyzed will be developed during the environmental review process and will consider input received during the public scoping process.

PURPOSE OF THIS NOTICE: In accordance CEQA Guidelines (14 California Code of Regulations [CCR] §15082, the City has prepared this NOP to inform agencies and interested parties that a Program EIR will be prepared for the City of Sausalito’s General Plan Update. The purpose of an NOP is to provide sufficient information about the General Plan Update to allow agencies and interested parties the opportunity to provide a meaningful response related to the scope and content of the Program EIR, including mitigation measures that should be considered and alternatives that should be addressed (CEQA Guidelines 14 CCR § 15082[b]).

ENVIRONMENTAL REVIEW PROCESS: Following completion of the 30-day NOP public review period, the City will incorporate relevant information into the Draft Program EIR, including results of public scoping and technical studies. Subsequently, the Draft Program EIR will be circulated for public review and comment for a 45-day public review period. The City requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b). All parties that have submitted their names and email or mailing addresses will be notified throughout the CEQA review process.

A copy of the NOP can be found on the City’s General Plan Update website at Cityoflarkspur.org/generalplanupdate and on file at the City of Larkspur City Hall, Planning Division, 400 Magnolia Avenue, Larkspur, CA 94939. If you wish to be placed on the mailing list or need additional information, please contact Neal Toft, Planning and Building Director, Community Development Department, City of Larkspur, at 415.927.6713 or at ntoft@cityoflarkspur.org

Figure 1-1 Regional Location

General Plan
City of Larkspur

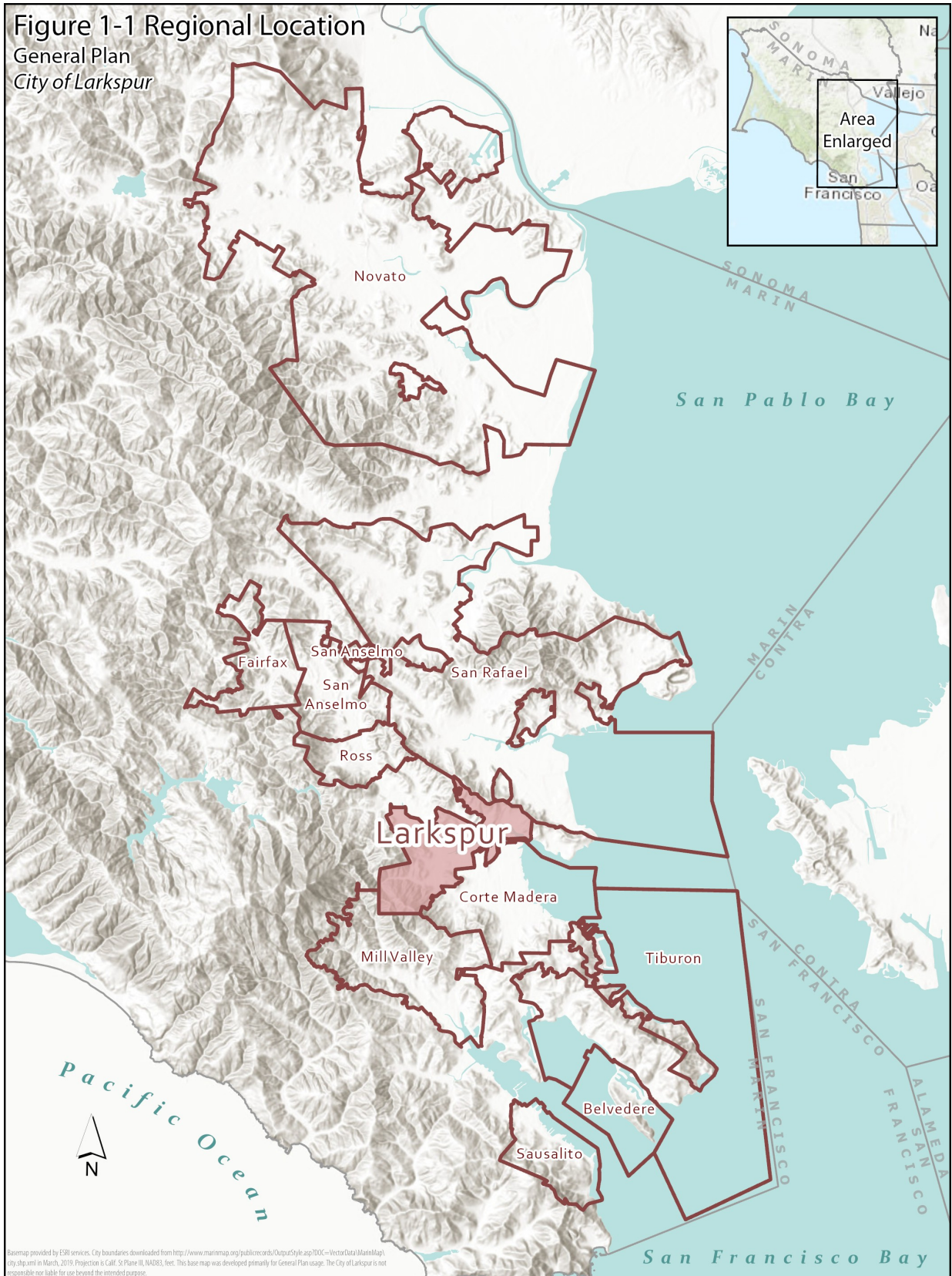


Figure 1-2 Larkspur Planning Area
General Plan
City of Larkspur

Legend

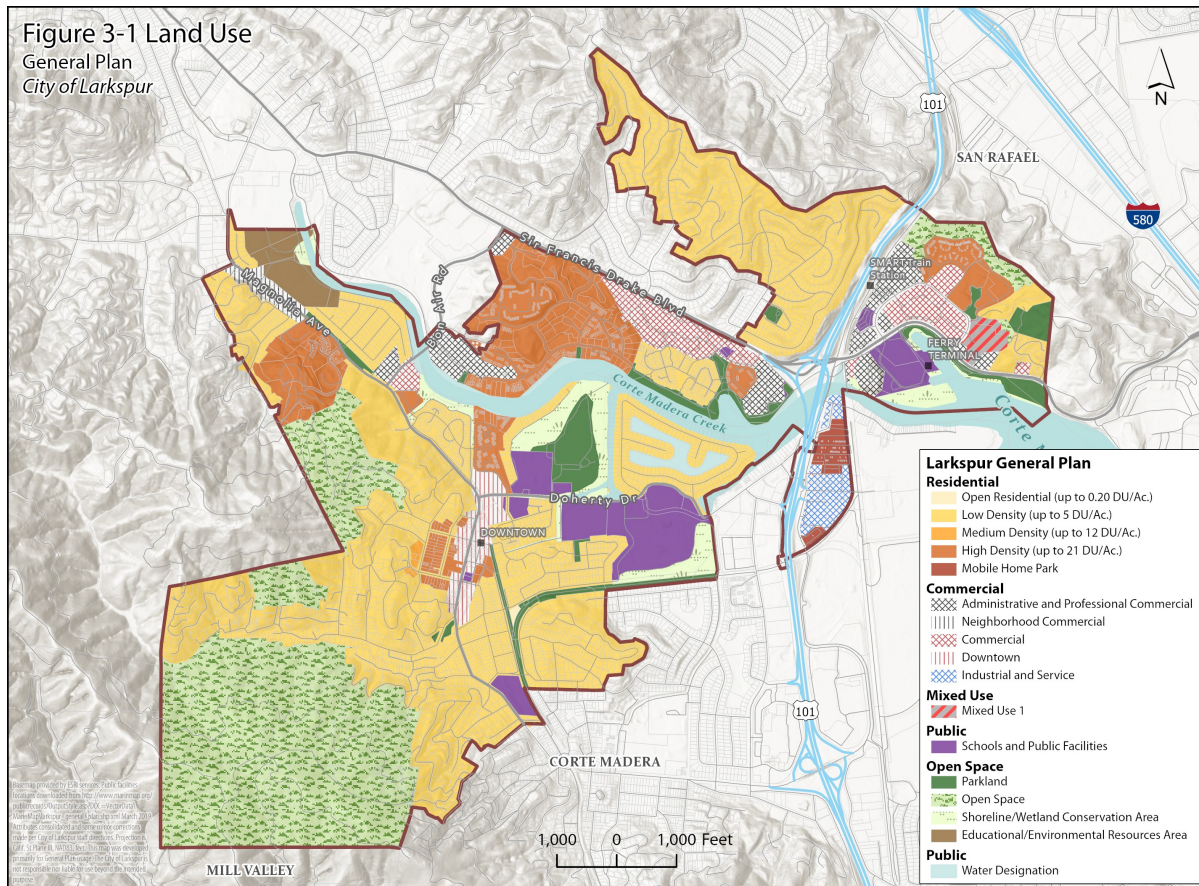
- Road
- City of Larkspur
- City of Larkspur Sphere of Influence
- Parcel

San Rafael
SMART Train Station
FERRY TERMINAL
SAN QUENTIN STATE PRISON
Corte Madera Creek
Downtown
LARKSPUR
CORTES MADERA
MILL VALLEY
San Francisco Bay

Highway 101
Highway 580
Sir Francis Drake Blvd
Magnolia Ave
Doherty Dr

Basemap provided by Esri services. City boundaries downloaded from <http://www.mapzen.com/public/openstreetmap/Mapzen/>
Data provided by Esri services. City boundaries downloaded from <http://www.mapzen.com/public/openstreetmap/Mapzen/>
Projection is UTM, NAD83, Zone 18N. This basemap was developed primarily for General Plan usage. The City of Larkspur is not responsible for any use of this map beyond the intended purpose.

Figure 3-1 Land Use
General Plan
City of Larkspur





State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 29, 2021

Mr. Neal Toft
City of Larkspur
400 Magnolia Avenue
Larkspur, CA 94939
ntoft@cityoflarkspur.org

Subject: Larkspur General Plan Update 2040, Notice of Preparation of a Draft Program Environmental Impact Report, SCH No. 2020120517, City of Larkspur, Marin County

Dear Mr. Toft:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a draft Program Environmental Impact Report (EIR) for the Larkspur General Plan Update 2040 (Project).

CDFW is a **Trustee Agency** with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Incidental Take Permit, a Native Plant Protection Act Permit, a Lake and Streambed Alteration (LSA) Agreement, or approval under other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. Pursuant to our authority, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION AND LOCATION

The Project is an update to the City of Larkspur (City) General Plan and is intended to guide community planning and development through the year 2040. The Project area is the City and surrounding areas within the City's sphere of influence, including the Community of Greenbrae and the San Quentin Peninsula. The Project is bordered by the City of San Rafael to the north, the Town of Corte Madera to the south and east, the communities of Kentfield and Kent Woodlands and the King Mountain Open Space Preserve to the west, and San Francisco Bay to the east. The Project covers approximately 3,283 acres.

The CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) require that the draft EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact (CEQA Guidelines, §§ 15124 and 15378). Please include a complete description of the following Project components in the Project description:

Conserving California's Wildlife Since 1870

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- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.

The draft EIR is identified as a Program EIR. While Program EIRs have a necessarily broad scope, CDFW recommends providing as much information related to anticipated future activities as possible. CDFW recognizes that, pursuant to CEQA Guidelines section 15152, subdivision (c), if a Lead Agency is using the tiering process in connection with an EIR or large-scale planning approval, the development of detailed, site-specific information may not be feasible and can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document. This future environmental document would cover a project of a more limited geographical scale and is appropriate if the deferred information does not prevent adequate identification of significant effects of the planning approval at hand. Based on CEQA Guidelines section 15183.3 and associated *Appendix N Checklist*, and consistent with other Program EIRs, CDFW recommends creating a procedure or checklist for evaluating subsequent project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted. This checklist should be included as an attachment to the draft EIR. Future analysis should include all special-status species including but not limited to species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380. The checklist should cite the specific portions of the draft EIR, including page and section references, include an analysis of the subsequent Project activities' potentially significant effects, and incorporate all applicable mitigation measures from the draft EIR.

ENVIRONMENTAL SETTING

The draft EIR should provide sufficient information regarding the environmental setting ("baseline") to understand the Project's, and its alternative's (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 and 15360).

CDFW recommends that the draft EIR provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including but not limited to all rare, threatened, or endangered species (CEQA Guidelines, § 15380). The draft EIR should describe

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aquatic habitats, such as wetlands and/or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site. Fully protected, threatened or endangered, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- Tiburon jewelflower (*Streptanthus glandulosus* spp. *niger*), state and federally listed as endangered, California Rare Plant Rank (CRPR) 1B.1
- Tiburon paintbrush (*Castilleja affinis* var. *neglecta*), state listed as threatened, federally listed as endangered, CRPR 1B.2
- Tiburon mariposa-lily (*Calochortus tiburonensis*), state and federally listed as threatened, CRPR 1B.1
- Tiburon buckwheat (*Eriogonum luteolum* var. *caninum*), CRPR 1B.2
- Marin western flax (*Hesperolinon congestum*), state and federally listed as threatened, CRPR 1B.1
- California Ridgway's rail (*Rallus obsoletus obsoletus*), state and federally listed as endangered, Fully Protected Species
- California black rail (*Laterallus jamaicensis coturniculus*), state listed as threatened, Fully Protected Species
- Northern spotted owl (*Strix occidentalis caurina*), state and federally listed as threatened
- White-tailed kite (*Elanus leucurus*), Fully Protected Species
- San Pablo song sparrow (*Melospiza melodia samuelis*), California Species of Special Concern (SSC)
- California red-legged frog (*Rana draytonii*), federally listed as threatened, SSC
- California giant salamander (*Dicamptodon ensatus*), SSC
- Western pond turtle (*Emys marmorata*), SSC
- Coho salmon south of Punta Gorda (*Oncorhynchus kisutch* pop. 4), state and federally listed as endangered
- Longfin smelt (*Spirinchus thaleichthys*), state listed as threatened
- Central California Coast steelhead (*Oncorhynchus mykiss irideus* pop. 8), federally listed as threatened
- Salt marsh harvest mouse (*Reithrodontomys raviventris*), state and federally listed as endangered, Fully Protected Species
- Townsend's big-eared bat (*Corynorhinus townsendii*), SSC

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- Pallid bat (*Antrozous pallidus*), SSC
- Monarch (*Danaus plexippus* pop. 1), California Terrestrial and Vernal Pool Invertebrate of Conservation Priority (ICP)¹
- Western bumble bee (*Bombus occidentalis*), ICP

Habitat descriptions, and the potential for species occurrence, should include information from multiple sources: aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; the U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; and findings from positive occurrence databases such as California Natural Diversity Database (CNDDDB). Based on the data and information from the habitat assessment, the draft EIR should adequately assess which special-status species are likely to occur on or near the Project site, and whether they could be impacted by the Project.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at:

<https://wildlife.ca.gov/Conservation/Survey-Protocols>.

Botanical surveys for special-status plant species, including those with a CRPR (<http://www.cnps.org/cnps/rareplants/inventory/>), must be conducted during the blooming period for all species potentially impacted by the Project within the Project area and adjacent habitats that may be indirectly impacted by, for example, changes to hydrology, and require the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants, and survey report requirements, available at: <https://wildlife.ca.gov/Conservation/Plants>.

IMPACT ANALYSIS AND MITIGATION MEASURES

The draft EIR should discuss all direct and indirect impacts (temporary and permanent), including reasonably foreseeable impacts, that may occur with implementation of the Project (CEQA Guidelines, § 15126, 15126.2, and 15358). This includes evaluating and describing impacts such as:

- Encroachments into riparian habitats, wetlands, or other sensitive areas;
- Potential for impacts to special-status species;

¹ The list of California Terrestrial and Vernal Pool Invertebrates of Conservation Priority was collated during CDFW's Scientific Collecting Permit rulemaking process:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline>

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- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g., snags, rock outcrops, overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The draft EIR should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, § 15355). Although a project's impacts may be less than significant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact, e.g., reduction of habitat for a special-status species should be considered cumulatively considerable.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines direct the Lead Agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and mitigate potentially significant impacts of the Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.4, and 15370). This includes a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, the USFWS, and the National Marine Fisheries Service. These measures should be incorporated as enforceable Project conditions to reduce impacts to biological resources to less-than-significant levels.

Fully protected species such as white-tailed kite, California Ridgway's rail, California black rail, and salt marsh harvest mouse, may not be taken or possessed at any time (Fish and Game Code, § 3511, 4700, 5050, and 5515). Therefore, the draft EIR should include measures to ensure complete avoidance of these species.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA ITP must be obtained if the Project has the potential to result in take² of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation

² Take is defined in Fish and Game Code section 86 as hunt, pursue, catch, capture, or kill, or attempt any of those activities.

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monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency, will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Migratory Birds and Raptors

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds. Fish and Game Code sections 3503, 3503.5, and 3513 protect birds, their eggs, and nests. Fully protected species may not be taken or possessed at any time (Fish and Game Code, § 3511). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDB. The CNDDB online field survey form and other methods for submitting data can be found at the following link: <https://wildlife.ca.gov/Data/CNDDB/Submitting-Data>. The types of information reported to CNDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals>.

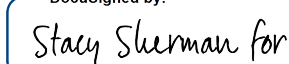
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FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

If you have any questions, please contact Ms. Amanda Culpepper, Environmental Scientist, at Amanda.Culpepper@wildlife.ca.gov; or Ms. Melanie Day, Acting Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

692D021D81CA4F7...
Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse (SCH No. 2020120517)



NATIVE AMERICAN HERITAGE COMMISSION

December 29, 2020

Neal Toft
City of Larkspur
400 Magnolia Avenue
Larkspur, CA 94939

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NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2020120517, Larkspur General Plan Update 2040 Project, Marin County

Dear Mr. Toft:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(I) (CEQA Guidelines §15Q64 (a)(I)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_ColEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.co.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for on archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(1)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

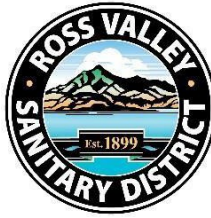
If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nohc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Nancy Gonzalez-Lopez
Cultural Resources Analyst

cc: State Clearinghouse



ROSS VALLEY SANITARY DISTRICT

2960 Kerner Blvd., San Rafael, CA 94901

Tel. (415) 259-2949 | Fax (415) 460-2149 | www.rvsd.org

January 27, 2021

Neal Toft
Director of Planning and Building
City of Larkspur
400 Magnolia Avenue
Larkspur, CA 94939

**RE: Larkspur 2040 General Plan Update and EIR:
Comments Regarding 2000 Larkspur Landing Circle**

Dear Mr. Toft:

This letter is submitted on behalf of the Ross Valley Sanitary District (“RVSD” or the “District”) regarding Larkspur’s Draft General Plan 2040 and the accompanying Draft Environmental Impact Report. These comments are regarding the District-owned property located at 2000 Larkspur Landing Circle (“Property”).

Support for the “Mixed Use I” Designation

On May 16, 2018, the District wrote to the City and requested that consideration be given to adding flexibility to the locations of the General Plan land use designations for the Property. A copy of our letter is attached as **Exhibit A** for your convenience. Our request was that the City retain the general use categories for the Property, but that the specific internal parcel divisions for said uses be removed, such that there would be flexibility in updating what is now a 17-year-old unexecuted development plan.

RVSD appreciates the City’s responsiveness to our letter. Policy LU-7.1 and the new “Mixed Use I” land use category in the draft 2040 General Plan appear to directly respond to the need for flexibility at the Property. The District fully supports the retention and approval of these sections of the draft Plan.

As the City may be aware, RVSD has acquired a new location for its District administration and operations facilities. Accordingly, the Public Facilities need at the Property is significantly less than in the past, and is in a different location. The only District infrastructure that needs to remain is the pump station near the southwest corner of the Property, and an approximate 10,000 square foot buffer of land for District truck access with a small service facility along the lines of what exists today. The previously identified 1.5-acre Public Facilities parcel is no longer needed or desired for District operations.

Additionally, the District expects to soon receive final sign-off from the U.S. EPA for the environmental remediation that has been occurring at the Property. With the clean-up phase nearly complete, it is time to develop a refreshed vision for the Property that respects the previously approved uses, acknowledges the changed circumstances regarding the District's facilities needs, and perhaps better utilizes the site's characteristics than the previously approved layout. The proposed "Mixed Use I" land use category in the draft 2040 General Plan allows all of this to occur.

Study the Property in the General Plan EIR

The District is informed that the City is now accepting comments regarding the scope of the Environmental Impact Report ("EIR") being prepared for the updated General Plan. The District respectfully requests that the EIR study a slightly updated version of the already-approved project at the Property.

From 2005 through 2007, the City approved a series of entitlements for the Property permitting the development of the following uses:

1. 126 multi-family residential dwelling units in nine structures;
2. A 100-room, four story, approximately 64,000 square foot hotel with pool and spa;
3. An administration and maintenance facility for the District.

The Preliminary Plan and Precise Plans approving these entitlements remain in effect today. Accordingly, the District requests that the General Plan EIR acknowledge and study these approved uses, with updates to reflect the changed conditions. As noted, the District has procured an alternate location for its administration and operations facilities. Therefore, the Preliminary Plan approval for the Public Facilities portion of the Property is no longer pertinent. In light of this fact, the District would suggest that a residential use be assumed for the former Public Facilities portion of the site in the EIR, in keeping with recent changes in state law that favor the creation of housing. The District understands that the general plan EIR is programmatic in nature, and that any future project at the Property will be subject to the appropriate level of environmental review.

Conclusion

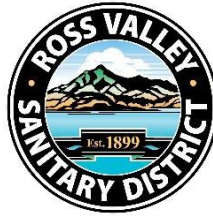
Thank you for your consideration of our comments. The District values its strong working relationship with the City and looks forward to continuing that into the future. Should you have any comments or questions about this letter, please do not hesitate to reach out.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Sylla', with a stylized, flowing script.

Mary Sylla, Board President

EXHIBIT A



ROSS VALLEY SANITARY DISTRICT

2960 Kerner Blvd., San Rafael, CA 94901

Tel. (415) 259-2949 | Fax (415) 460-2149 | Web: www.rvsd.org

May 16th, 2018

Larkspur General Plan Update Committee
City of Larkspur
400 Magnolia Avenue
Larkspur, CA 94939

Dear Larkspur General Plan Update Committee:

As President of the Ross Valley Sanitary District (RVSD) Board, I am submitting the following comments on the City of Larkspur's current deliberations regarding the land use zoning for the Districts' parcels at 2000 Larkspur Landing Circle. RVSD has specific requests for the working committee and for eventual City Council consideration as progress continues on the Larkspur General Plan Update.

Background on 2000 Larkspur Landing Circle

RVSD understands that in 2017, the City of Larkspur (City) appointed a steering committee comprised of two City Council Members and two Planning Commissioners to assist staff in finalizing the Draft General Plan update originally initiated in 2010. The current Draft General Plan update is largely picking up where the process left off in 2010, following the outcome of the community's consideration of the Station Area Plan land use update in 2014. The City anticipates the Draft General Plan Update will be completed by the end of 2018 and public hearing on the draft document will begin in 2019. The steering committee is considering a wide range of long-term land use and management issues such as wildland fire interface threats and sea level rise, and the current General Plan policies related to "underutilized parcels" such as 2000 Larkspur Landing Circle.

The District owned and operated the Larkspur Wastewater Treatment Plant (LWTP) between 1948 and 1985. The LWTP facility was no longer needed following completion of the centralized wastewater treatment plant by the Central Marin Sanitation Agency in 1985. The District began planning for removal of the old treatment plant and redevelopment of the approximately 10.5-acre parcel in 1995. In 1998-99, the District demolished the onsite concrete structures. A portion of the concrete material was mixed with onsite soils and used as engineered backfill for the excavations left by the demolition process. Through the early 2000s, the District pursued redevelopment of the site with a private partnership. The

discovery of PCB contamination late in the process lead to a halt of further development action. A lawsuit between the District and its development partner was settled in 2012. Since 2014, the District has been working to obtain EPA approval for a remediation work plan to remove the PCB contamination. In early 2018, the District submitted an updated remediation work plan application to EPA. The timing of EPA approval is uncertain.

Approximately 20 percent of the site is currently used as an operation base for the District and includes two modular buildings and an area for sewer maintenance and operations equipment, vehicles, and materials staging. This area is outside of the portion of the parcel requiring remediation.

City of Larkspur Zoning and Precise Plan Approval History

In 1990, the City passed Resolution 34/05, establishing the general land uses for the parcel, and setting direction for future development plans within the Resolution's guidelines. A series of three City ordinances were passed in 2006 and 2007, culminating in Ordinance 954 (Attachment A), establishing the details and approval for a precise plan. The plan divided up the parcel into the following land use zones; housing, commercial, government facilities, and open space. The approval included numeric goals for such land use factors as housing units, commercial space, and a target number of hotel rooms, along with goals such as the connectivity with the (then future) Drakes Cove housing development. See Attachment B for a copy of Resolution 34/05 and a map of how the site is currently zoned.

Requested Changes to the Current Precise Plan and the Related General Plan Policy

RVSD's requested change to the Precise Plan and its related enabling documents is simple and is based on two public benefit objectives. As shown in Attachment A, the approximately 10-acre site is divided into four separate land use zones. These internal lines on the map of the parcel are based on a nearly 15-year-old private development plan that may no longer best meet the future needs of the Larkspur community. The District adopted a policy in 2016 of remediating the parcel to allow "unrestricted use", meaning the PCB remediation approach would not restrict future land uses at the site from the perspective of federal regulations. This goal was established to ensure the City of Larkspur and its community stakeholders would have maximum flexibility regarding future development of the site and how best to meet community needs. The current internal zoning boundaries conflict with this goal, and essentially restrict future development layout to one private developer's 15-year old plan.

The requested update to the General Plan would retain the same four zoning categories, the key quantitative and qualitative features of the current zoning such as the number of housing units and hotel rooms, and the connectivity with the Drakes Cove area. The open space area was established based on environmentally sensitive areas and would remain unchanged. However, the locations and layout details of a future development for housing, commercial, and government facility use would otherwise not be restricted to the internal parcel divisions reflected in a 15-year-old development plan.

A secondary reason for the elimination of the internal zoning lines is that this would assist the City and District in putting the status of the interim O&M base on a clear permitting and zoning basis, to both

party's benefit. Once the longer-term future of the site is clear, the parties can make decisions regarding a permanent site for the necessary wastewater utility operations base.

RVSD will defer to the City staff and Planning Commission as to the most appropriate manner to make the necessary policy and General Plan changes to achieve these objectives. We look forward to working with the City on its General Plan to help meet the long-term needs of the community.

Sincerely,

Douglas T. Kelly
Board President

Attachments:

- A Ordinance 954
- B Resolution 34/05 and Map

Neal Toft

From: BAAQMD CEQA <ceqa@baaqmd.gov>
Sent: Wednesday, January 20, 2021 10:41 AM
To: Neal Toft
Subject: RE: NOP for Larkspur General Plan Draft Environmental Impact Report

CAUTION: External Sender

Hi Neal,

Thank you for your email. We have reviewed the NOP for the Larkspur General Plan Update but do not plan on submitting comments at this time. However, we plan to take a closer look when the EIR is released.

Please continue to send any CEQA notices to ceqa@baaqmd.gov (preferred) or by mail at:

Bay Area Air Quality Management District
Attn: Planning/CEQA
375 Beale Street, Suite 600
San Francisco, CA 94105

Thank you,
Josephine

Josephine Fong
Bay Area Air Quality Management District
375 Beale Street, Suite 600, San Francisco, CA 94105
(415) 749-8637 | jfong@baaqmd.gov

From: Neal Toft <ntoft@cityoflarkspur.org>
Sent: Tuesday, January 19, 2021 6:39 PM
To: BAAQMD CEQA <ceqa@baaqmd.gov>
Subject: NOP for Larkspur General Plan Draft Environmental Impact Report

CAUTION: This email originated from outside of the BAAQMD network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear BAAQMD Planning and Environmental Review Staff,

On December 26, 2020, the City of Larkspur mailed a Notice of Preparation to BAAQMD offices at an outdated address at 989 Ellis Street. Unfortunately, it took some time for the returned notice to get back to our office and I am sending this now onto you via email. The review and comment period for the NOP is proposed to close on February 4,, but we will certainly consider your agencies comments for a reasonable period thereafter, given this error.

Please acknowledge receipt and let us know if and when you might have any responsiveness comments to send in response to the NOP.

Sincerely,

NEAL TOFT | PLANNING & BUILDING DIRECTOR

Neal Toft

From: CESP-Regulatory-Info <CESP-Regulatory-Info@usace.army.mil>
Sent: Wednesday, January 20, 2021 11:46 AM
To: Neal Toft
Subject: FW: Notice of Preparation (NOP) for Larkspur General Plan 2040 Draft Environmental Impact Report
Attachments: LRK GPU NOP 122120.pdf; LRK GPU NOC 122820.pdf

CAUTION: External Sender

Good morning, Neal.

This is to acknowledge receipt of your email.

V/r,

Regulatory Division
San Francisco District, U.S. Army Corps of Engineers
450 Golden Gate Avenue, 4th Floor
San Francisco, California 94102-3404

From: Neal Toft <ntoft@cityoflarkspur.org>
Sent: Tuesday, January 19, 2021 6:46 PM
To: CESP-Regulatory-Info <CESP-Regulatory-Info@usace.army.mil>
Subject: [Non-DoD Source] Notice of Preparation (NOP) for Larkspur General Plan 2040 Draft Environmental Impact Report

Dear San Francisco Regulatory Division Staff,

On December 26, 2020, the City of Larkspur mailed a Notice of Preparation to BAAQMD offices at an outdated address at 1455 Market Street. Unfortunately, it took some time for the returned notice to get back to our office and I am sending this now onto you via email. The review and comment period for the NOP is proposed to close on February 4, but we will certainly consider your agencies comments for a reasonable period thereafter, given this error.

Please acknowledge receipt and let us know if and when you might have any comments to send in response to the NOP.

Sincerely,

NEAL TOFT | PLANNING & BUILDING DIRECTOR
City of Larkspur | 400 Magnolia Ave | Larkspur, CA
415.927.6713 | ntoft@cityoflarkspur.org

*Due to COVID-19 public health concerns, the Planning and Building Department has moved its operations to an electronic submittal process and is responding to all inquiries via phone and email only at this time. During this period, staff is observing Marin County Health Department orders and there is limited personnel in City Hall, with many staff members working remotely. Further, due to budgetary constraints resulting from the COVID-19 emergency, the City has instituted furloughs and the Planning and Building Department is **CLOSED ON FRIDAYS** until further notice. We appreciate your patience during this challenging period.*

Marin Chapter

P.O. Box 1408



California Native Plant Society

Mill Valley, CA 94942-1408

Date: February 1, 2021

Re: 2040 Larkspur General Plan

To: Neal Toft, Director, Building and Planning, City of Larkspur

Dear Mr. Toft,

Enclosed are my comments on the City of Larkspur Draft 2040 General Plan, which is intended to guide the growth of Larkspur over the next two decades. I am submitting a number of observations with regards to the natural environment section.

Species and Habitat Protection:

While it's important—and the law—to protect special species, what will ultimately save them is the preservation of habitat, which must be *sufficient in size*, and *contiguous*. The more we dice up and change the components of that habitat, the less likely they are to survive.

This has implications for choosing mitigation projects. Replacement projects that are distant from or a different type of habitat from that which is being destroyed or disturbed do not provide for the survival of a particular threatened species. Widening the center median on a block of Magnolia Avenue as mitigation for the work on the Bon Air bridge does not in any way provide an appropriate replacement for the loss of riparian habitat. Which species are going to migrate from the creek to the ivy-choked traffic median? Connectivity is key as well; many animals cannot make it from one isolated patch to the next; if they are mobile enough, they exhaust themselves covering the extra territory and fail to thrive and reproduce.

What adjoins a particular habitat is also critical as it affects the quality of that habitat. Lights, dogs and noise at Piper Park, or a major construction project such as the new wing to the hospital create long-term disruption and degradation of the wetlands nearby. It may still be wetlands, but if is subject to a constant irritant from adjacent property, it ceases to be adequate habitat. It's not enough to avoid only the direct effects on what are meant to be protected places.

All plants are not created equal. Native plants are not just nice to have but are *essential* to our survival. Plants are the bottom of the food chain, and insects provide the link between plants and all species above, including us primates. Native insects and native plants have had millennia to develop relationships that support each other; those same insects cannot get nourishment from plants imported from distant lands. The plant may thrive, but to the insects it might as well be plastic for all the food value it provides. Therefore, the encouragement to use native *or adapted species* is not appropriate. Thousands of plants have become adapted to our climate but many have turned into invasive pests, choking out other vegetation; virtually none of these provide food resources to our native pollinator and insect populations. Habitat must be composed of the regionally local plants they are genetically adapted to coexist with. Complexity and diversity in our local native habitats helps to provide the resilience we will need against disasters and climate change; putting our efforts toward maintaining and cultivating this complexity will enable us to adapt to coming climate issues.

Specific Recommendations:

1.4. pg. 221. To allow contractors to retain native trees *if feasible* ensures that they will find an economic reason why it's easier to remove them. Retaining them needs to be a *requirement*, not an option. All future trees planted by the city should be native species. If you need help knowing what is appropriate to plant or sourcing native plants, please ask. The local chapter of CNPS would be happy to help.

1.5. pg. 221. We recommend acquiring title to the marsh bordering the Corte Madera Creek in front of Edgewater Place and Creekside development. In spite of what their original covenant says, Creekside HOA considers this their property to do with as they wish. It is not being maintained in any way. They are making no effort to keep invasive broom and blackberry out or plant appropriate species. If a plant interferes with someone's view, it is cut down. People are now crossing the wetlands to access the creek with paddleboards. Holding the title to this property will allow the city and Friends of Corte Madera Creek Watershed to perform appropriate habitat maintenance and protect it from further degradation. It will also prove to be a very key location to own when the time comes to implement protections for the city against sea level rise. The embankment of this stretch of creek is eroding badly, carved out by the force of the water as it flows out of the more confined channel upstream. Its function as a flood plain is now evident at every high tide.

2.1. pg. 222. Creek setbacks should not be something in quotes, they should be a functioning part of the city's arsenal for dealing with flooding. Encroachment on land that is flood plain leads to degradation and destabilization of the creek banks. Homeowners don't want the city to prohibit building in the flood plain, but of course they want you to address the flooding problems it creates when they do. Larkspur's complete lack of creek setbacks is an oversight that should be remedied immediately by the development of appropriate new setbacks sufficient to protect our water ways that are also enforced. This will provide a way to exercise control over storm flow within city limits and keep it from overwhelming the system designed to pipe it away.

2.7. pg. 223. Make permeable paving materials *required* for at least a portion of each commercial project, not an option. For every 1% you increase impermeable surfaces, you raise the flood level in Corte Madera Creek by 3.3%. Sinking water back into the ground in multiple locations around town will reduce the need for major engineering for flood control.

2.8.b. pg. 224. Decline permits for buildings that entail carving into our hillsides, destabilizing the slopes. With more unpredictable storms, landslides and erosion will become increasingly problematic. Does the city want to be responsible for these landslides once they permit the excavation of stable slopes? If not, deny building permits. We need to acknowledge that we can't compromise the integrity of land without consequences.

3.1. pg. 225. The actions listed do not enhance open space. One of the biggest issues I see in Larkspur is that parks and open spaces are not maintained and enhanced. I suspect this has to do with a staff shortage, but it greatly affects the quality of what open space we do have. It's possible it may also be lack of knowledge and/or financial. In 4 years of planting and maintaining plantings in Larkspur's public medians, I receive constant thanks from passersby. People notice and care that someone is doing even a minor amount to improve our green spaces. I am willing to take on more *but only if* there is support from Public Works. While they have given me some support, I seem to be viewed mostly as someone who is making work for them, not saving them work.

6.2.b. pg .228. For all the reasons stated above, encourage—and require—the use of *native plants*, not just drought tolerant ones. Plants from South Africa and Chile contribute nothing to our local biodiversity. We have lots of resources on what will work and an ongoing demonstration of it in the medians I have planted.

A final thought on traffic and congestion: possibly the biggest contributor to the congestion in town is the school traffic. Serious thought needs to be given to the idea that each child can drive themselves or get driven to school and home again every single day. Surely we understand by now that to combat climate change we cannot continue doing the same things we have been. Are we willing to do what it will take? This is one action that would have an immediate effect on emissions as well as rendering this town much more livable.

Thank you for the opportunity to comment.

A handwritten signature in black ink that reads "Laura Lovett". The script is fluid and cursive, with the first name "Laura" and last name "Lovett" clearly distinguishable.

Laura Lovett
505 Larkspur Plaza Dr., Larkspur, CA 94939

Board of Directors,
Marin chapter, California Native Plant Society

Board of Directors,
Friends of Corte Madera Creek Watershed



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

February 3, 2021

Neal Toft, Planning Director
City of Larkspur

RE: Scoping Comments on Larkspur General Plan Draft Program EIR

Dear Mr. Toft,

Thank you for the opportunity to submit scoping comments on the Draft Program EIR (DPEIR) for the Larkspur General Plan 2040 (GP). Our comments focus on natural resource protection. While the goals are aspirational and protective, many of the proposed policies and programs are vague, uncertain and delay meaningful action. We're concerned that certain resources (wetlands, streams, buffers) will not be adequately protected because policies to protect them are deferred to some unclear future time when a plan or program would be developed, but there is no certainty they ever will ever be. In addition, our questions and comments are below.

The PEIR should explain benefits the city expects from using a Program EIR. Please discuss the projects it expects to, or may, pursue that will be tiered off of the PEIR.

Marin Audubon owns two properties that are relevant to the city's planning:

- Property Marin Audubon purchased six years ago and restored to tidal marsh three years ago, located at the end of Industrial Way and surrounded the Corte Madera Ecological Reserve, and
- The last undeveloped property at the Larkspur Boardwalk (AP# 022-240-07)

SPECIFIC COMMENTS ON CHAPTER 8: NATURAL ENVIRONMENT AND RESOURCES

The Natural Environment section contains goals and policies that convey a general purpose of protecting natural habitats and resources. However, the implementation programs lack sufficient specificity to be effective. The goals and policies could be interpreted in a variety of ways. The EIR needs to address how the policies would be implemented as currently written and recommend changes to clarify and ensure their implementation would effectively protect natural resources.

Preservation and Enhancement of Open Space Preserves section (page 218). The preserves and their owners should be identified and shown on a figure.

Goal ENV 1. *"Protected native habitats particularly those providing ..."* Shouldn't Protected be "protect" "?"

POLICY 1.1 *"Protect biological resources including migratory birds..."* This is a protective policy, but the Action Programs offer no guidance as to how the city should protect these resources. Action Program 1 simply calls for identifying the state and federally listed species and coordinating with the county to protect them, effectively deferring responsibility for addressing their protection. It should not be difficult for the DPEIR preparers to identify threatened and endangered species etc.: Ridgeway rails, Salt Marsh Harvest Mouse, Northern Spotted Owl are well known inhabitants. Other special-status species can be found in other EIRS, USFW and CDFW websites.

Also, explain why it is necessary to coordinate with Marin County (Action Program 1.1.a). Does Larkspur intend to protect habitats on its own (1.1.d)? Why is it necessary to include a program to implement CEQA (1.1b) when State law requires implementing CEQA for projects? The California Department of Fish and Game changed its name to California Department of Fish and Wildlife some years ago.

POLICY ENV 1.2 *"Protect and enhance native plant communities in Larkspur."* This is a strong policy that needs clear implementation programs. What are the plant communities that would be protected?

Action Program 1.2 a. *"Encourage the inclusion of native or adapted species...."* "Encourage" is vague. It is not clear how this program would be effectively implemented. If it is intended to address applicants for development, we suggest saying: "Require the inclusion...." Discuss requiring native plants in new development and remodels. Why should non-native plants be encouraged even if they are adapted?

Action Program ENV 1.2. c. *"Continue to protect trees on public lands by planting additional trees as needed to maintain age profile...."* The meaning of this program is unclear. Specify who owns the public lands referred to, i.e. Larkspur or Marin County OSD? "Planting additional trees" does not protect trees. Leaving them growing where they are protects them. This sounds like it is intended to be mitigation. If so, more detail is needed.

Also, protecting generic "trees" would mean that non-native and even invasive trees, such as acacia and eucalyptus, would be protected. This general reference should be clarified.

Action Program ENV 1.2.d *"...require actions by private property owners to protect the health of native woodlands and trees."* How would this program be implemented and enforced? How effective is the city's tree ordinance in protecting trees should be discussed. What other measures could require owners to protect the health of native trees?

Action Program ENV 1.2. F *"Require.... new development to preserve existing healthy native trees... or offset the loss of native trees and vegetation not to be saved."* This seems to be referring to construction projects and mitigating their loss. Conditions are needed that make it preferable or required for developers to retain the native trees instead of planting new ones because young trees do not provide the same values (habitat, air quality,

aesthetic, sequestration etc.) as mature trees. Multiple trees should be planted for each mature tree removed.

POLICY ENV 1.4 *"Recognize the value of heritage trees to the environment and to the quality of life in Larkspur."* Recognizing is a good start, but does nothing by itself and, the associated programs do not follow through with protections for heritage trees. The DPEIR should discuss the values of heritage trees and require their protection.

Action Program 1.4.a *"Continue to require applicants to obtain a permit for removal of heritage trees and require the planting of replacement trees... Where replacement trees are not possible or practical...require...owners to contribute to a fund to plant on local streets....".* *...Require avoidance, and if avoidance is not possible, prepare a schedule of feasible mitigation measures...."* Obtaining a permit does not ensure protection. It depends on the ordinance. Larkspur's ordinance allows for many exceptions. How would "not practical or feasible possible" be interpreted? Developers frequently claim that protecting trees is not possible. There should be a discussion of the adequacy of the current ordinance and permitting process to protect trees.

There should be a discussion of the many biological and other values of heritage trees and whether young trees mitigate their loss. Species, location in the landscape, biological and aesthetic values should be discussed. Planting in streets and medians would not replace the values and functions of native heritage tree in a natural setting. Avoidance is preferred and is also the preferred mitigation in CEQA. The high biological value of certain tree species in Larkspur that are habitat for special-status species that be recognized.

POLICY ENV 1.5 *"Endeavor to protect and enhance wildlife habitat, including those in watercourses and riparian areas, and control human use of those areas."* The EIR should list wildlife habitats in Larkspur, discuss their functions and values, and measures that would protect them." Endeavor" is not good enough. The policy should begin: "Protect and enhance wildlife habitat."

Action Program 1.5.a *"Review and, to the degree feasible, condition development applications to preserve habitat valuable to wildlife."* Inclusion of the phrase "to the degree feasible" renders the program virtually meaningless, because it is common for developers to claim protecting a natural resource is "not feasible" if they want to develop on it. This phrase should be dropped.

Action Program ENV 1.6.a *"Develop a program that identifies where sensitive habitats in Larkspur are known or possible. Require avoidance or where avoidance is not possible, prepare... mitigation measures... If unusual environmental conditions are present, then additional environmental review should be prepared."* It should not be necessary to delay protection of sensitive habitats for a program to be developed in the future. These habitats should be identified in the DEIR. See discussion of phrases like "not possible" above. Avoidance is the preferred mitigation in CEQA. Applicants should be required to demonstrate in detail that development modifications to protect the natural habitats are not feasible. How will the decision-makers decide that "avoidance" is not feasible? What criteria would be used? There is no certainty that such a program would ever be prepared.

Most of Larkspur's wetlands are identified in ENV 2.3. A few more are at the mouth of streams tributary to Corte Madera Creek, several riparian habitats and two non-tidal fresh water ponds. These should be addressed in the OPEIR.

POLICY ENV 2.1 calls for developing a *"Creek, Shoreline and Wetland Master Plan for maintaining and enhancing creeks in Larkspur."* There are not many streams left in Larkspur. Larkspur has more undergrounded creeks than any other jurisdiction according to MCSTOPP.

Action Program 2.1.a This Program lays out a process for review of projects before the Master Plan is completed. This seems like a reasonable process. CEQA Checklist should be completed, possibly an IS, MND etc. The city absolutely should have mitigation guidelines and they should be identified and discussed in this DPEIR.

POLICY ENV 2.2 *"Avoid, if feasible or mitigate impacts on shoreline, and riparian areas...."* This policy and the related program address mitigation.

MITIGATION The DEIR should discuss standards for mitigation that generally apply to all natural resources: native and heritage trees, wetlands, streams, and seeps bay. Avoidance measures include: revising development plans, not building close to the resources, providing a buffer zone to mitigate impacts of adjacent uses and others.

We recommend a mitigation ratio of 2 acres (or portion thereof) to be restored for each acre (or portion thereof) of wetlands or riparian habitat lost to diking, filling or dredging; of same habitat type i.e. tidal wetlands replacement for tidal wetlands lost; and in the Core Madera Creek/Larkspur watershed.

Many impacts to wetlands and other habitats could be avoided with adequate buffers. The Marin Countywide Plan could be used as a guide for mitigation and buffers. In developed areas, a minimum 20-foot wide buffer zone from top of bank along riparian streams should be provided in developed areas and 100 feet wide in large parcels. Buffer/transition zones with native vegetation are particularly important. A transition zone is particularly important adjacent to wetlands where endangered and other species need to have conditions that enable them to hide from predators at times of very high tide.

Action Program 2.2.b *"Preserve or enhance buffer or transition zones....."* The DEIR should address the purpose of buffer/transition zones, recommend width and vegetation as discussed above.

POLICY 2.4 speaks to *protecting water resources*. The DEIR should explain what water resources are covered by this policy.

Action Program ENV 2.5 calls for *"Limiting construction activities within shoreline, wetlands or riparian areas, and any established setbacks for these areas."* Construction within the shoreline should be avoided, not just limited. A vegetated buffer is one of the more effective ways of reducing water quality degradation. A minimum 20 -feet upto 100-foot

vegetated buffer, as discussed above, provides habitat, and benefits water quality by filtering pollutants and reducing erosion.

Policy ENV 2.10 *"Encourage landscaping strategies that avoid or minimize reliance on non-organic chemical pesticides and herbicides."* The DPEIR discussion should address one of the best strategies to avoiding the use of chemicals, i.e. planting native species adapted to live in Larkspur's climate and soils.

POLICY ENV 5.2 *"Provide Boating Access to Corte Madera Creek and the Bay."* At least four boat access areas already exist between Hwy 101 and the Bon Air Bridge, along with many launches/docks on private property. How much more is needed? Boating access requires developing launch areas over shorelines and fringe wetlands and would be in conflict with environmental policies.

What are potential locations for new boat launches? In addition to wetland habitat damage from boat launch facilities, boating use adversely impacts wildlife use of the creek waters. Birds have to move within the waters or leave when boats come by. The more boats on the water, the less birds can use the water for resting and feeding. The declining bird use can be associated with increased boat use on Corte Madera Creek.

Action Program ENV 5.3 b *"Consider guidelines or an ordinance to provide a buffer zone between natural habitats and human use areas."* See the discussion above for our recommended buffer width adjacent to wetlands and riparian habitats along streams. The buffers should be vegetated with native plant species that provide habitat. Other strategies in addition to buffers include fencing, and dense vegetation, and signage.

SHORELINE-SAN FRANCISCO BAY discussion (page 229). We do not have bogs and swamps in the West. Larkspur has two fresh water ponds, Tubb Lake and Remillard Pond, the protection of which should be addressed.

We look forward to our concerns about the GP being addressed.

Sincerely,


Barbara Salzman, Co-chair
Conservation Committee


Phil Peterson, Co-chair
Conservation Committee

Neal,

Hello and I hope all is well. I would like to submit two comments regarding the Draft General Plan and its EIR. One general, and one site-specific.

1. First, when it comes to density, the EIR should assume the utilization of a density bonus for future residential projects. This assumption should be built-in to both the Citywide housing projections, as well as the anticipated build-out of specifically identified sites. In light of today's exorbitant development and entitlement costs, which are only projected to rise, a density bonus is all but required to make a residential project pencil from a fiscal perspective. Accordingly, for the EIR to accurately study the potential impacts from housing, it must assume the utilization of a significant density bonus beyond the base densities permitted by the General Plan and Zoning Code.
2. Second, in regards to the property owned by the Ross Valley Sanitary District at 2000 Larkspur Landing Drive (APNs 018-260-03 and 018-260-02), the newly proposed Mixed Use 1 designation should be applied to the entirety of that site, with specific language added to the MU-1 text description requiring an appropriate open space buffer zone.
 - a. On January 27, 2021, RVSD wrote to the City supporting the creation and application of the Mixed Use I designation to their property, and asking that the already-entitled project for the site be studied in the EIR. Since that time, it has come to our attention that the MU-1 is not currently proposed to cover the entirety of the property, but instead excludes an open space buffer zone created in conjunction with a previously approved project. **It is very important the MU-1 designation cover the whole property, and not exclude this likely outdated previous buffer zone.** We would ask that Figure 3-1 in the Draft General Plan be updated in this regard.
 - b. Importantly, the buffer zone currently excluded from the MU-1 designation was created in conjunction with a previously proposed project. It is becoming less likely that this project will be built in the layout that was approved. The need for an open space buffer on the property is recognized, but it may very well be a different configuration to better screen and accommodate an updated project design. For this reason, the MU-1 should encompass the whole of the property, and a potential text edit to the MU-1 could be made as follows to ensure that the City always has the authority to require an appropriate open space buffer:

"This designation applies to the largely vacant Ross Valley Sanitary District land located at 2000 Larkspur Landing Circle and within walking distance of significant transit facilities (SMART train and Larkspur Ferry). This category provides for predominantly high-density residential use, with limited commercial and/or office uses to serve both local and regional needs, and/or public facilities. Residential uses are multiple dwelling units up to 21 units (about 42 persons) per acre on sites of less than 10 percent slope, with a minimum density of 18 units per acre. Commercial uses have a maximum FAR of 0.4, and hotels may be allowed to a maximum FAR of 1.0 subject to specific or master plan approval. Offices shall have a maximum FAR of 0.35. Affordable housing is encouraged, and maximum densities may be increased for affordable housing projects in compliance with State requirements for density bonus. Development should occur in an integrated development pattern to assure connectivity through the site and the adjoining neighborhood at Drake's Cove, efficient use of land resources, a pedestrian and bicycle

friendly environment, **an appropriate open space buffer from surrounding development**, and minimization of the visual impact of parked automobiles.”

Thank you for your consideration and anticipated implementation of these comments.

Riley F. Hurd III, Esq.
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From: [Lelia Lanctot](#)
To: [Neal Toft](#)
Subject: General Plan Update
Date: Tuesday, February 2, 2021 9:57:51 AM

CAUTION:External Sender

Good morning Neal,

I am a member of Marin Audubon Society and am sending you this email in support of the recommendations of the Audubon Society regarding the Larkspur General Plan update.

The specific policies designed to protect native habitats and special status species are as follows:

Action Program ENV 1.1a. The EIR should identify endangered and special status species and how their habitats would be protected.

Policy ENV-1.2 The native plant communities should be identified, including Coast redwoods, Coast live oaks, other native oaks, wetlands and streams.

Policy ENV 1.4 Instead of "support restoration projects initiated by others, the EIR should provide for the City of Larkspur to initiate and undertake habitat restoration projects on its own. Furthermore, the City of Larkspur should protect native trees and set forth how these trees will be protected.

Policy 2.1 The Creek, Shoreline and Wetland Master Plan should be protected and policies should be formed for this protection.

Policy ENV 2.2 The Shoreline wetlands and riparian areas should be protected, finding a way to make such protection "feasible".

Action Program ENV 2.2b Buffer or transition zones between shoreline and wetland areas should be at least 20 feet wide and should be vegetated with native plants that provide cover, foraging and nesting habitat for native wildlife.

Action Program 2.5 Avoid construction activity, not just limit such activity, within shoreline, wetland and riparian areas and any established setbacks.

Thank you for considering these measures recommended by the Marin Audubon Society and many of our Larkspur citizens.

Lelia Lanctot

47 Meadowood Drive, Larkspur, CA 94939
415-515-1476 (cell)

From: [Larry Meredith](#)
To: [Neal Toft](#)
Subject: Re: Comments on the draft General Plan
Date: Thursday, February 4, 2021 5:06:11 PM

CAUTION:External Sender

The attached from the AARP is an addendum to my email regarding the draft General Plan.

<https://www.aarp.org/livable-communities/network-age-friendly-communities/age-friendly-training-videos/>

On Thu, Feb 4, 2021 at 5:02 PM Larry Meredith <larrywmeredith@gmail.com> wrote:

Dear Mr Toft:

I became aware of the draft General Plan and the deadline for comments late today. This note will be brief to make the deadline.

I do not see any data or acknowledgement in the plan of the aging of Larkspur residents and the impacts that this has on the health, safety, transportation, housing and liveability of this community. Larkspur is the second oldest incorporated city in Marin and, with people living longer, issues associated with creating the conditions for healthy aging, engagement and community connection will be increasingly important. Healthy aging should be a lens through which the General Plan is viewed. The current draft does not reflect this perspective.

Thanks you,
Larry

Larry Meredith
300 Madrone Ave
Larkspur, CA
415-860-2535