

Final Environmental Impact Report Central Larkspur Specific Plan



SCH #2001112092

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1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

On November 14, 2003, City of Larkspur (City) distributed to public agencies and the general public the Revised Draft Environmental Impact Report (DEIR) on the Central Larkspur Specific Plan (Specific Plan or proposed project). The DEIR was prepared under the direction of the City in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] §§21000 et seq.) and the State CEQA Guidelines (California Code of Regulations §§15000 through 15387). The City is the lead agency for CEQA compliance.

In accordance with §15105(a) of the State CEQA Guidelines, the City provided a 60 day public review period for the DEIR; the City subsequently extended the public review period for additional 30 days, with the new review period ending on February 12, 2004 (see Appendix A-2 for letters from the State Clearinghouse). The Agency received 28 comment letters on the DEIR. In addition, two public hearings were held by the City of Larkspur Planning Commission on January 13, 2004 and on February 3, 2004 to give the public the opportunity to provide oral comments on the DEIR. Several individuals provided oral and written comments.

According to State CEQA Guidelines §15088, a lead agency must evaluate comments on environmental issues received from persons who reviewed a DEIR on a project and must prepare written responses to those comments. This document has been prepared in accordance with State CEQA Guidelines §§15088 and 15132 to respond to the comments received by the City on environmental issues related to the DEIR. While the Final Environmental Impact Report (FEIR) includes acknowledgement of all issues submitted in the public comment letters and public hearings, the FEIR includes formal responses to only those comments that pertain to physical changes in the environment as described by the State CEQA Guidelines (see §§15358 and 15382).

This document consists of the following chapters:

- ▶ Chapter 1, Introduction, describes the purpose of this document, presents a summary of the proposed project, and includes an analysis of issues related to recirculation of the DEIR.
- ▶ Chapter 2, Comments and Responses to Comments on the DEIR, reproduces the comment letters received by the City on the DEIR and transcripts of the comments provided at the two public hearings, and provides responses to the comments.
- ▶ Chapter 3, Revisions to the Draft EIR, lists modifications to the DEIR made in response to comments or as initiated by the City.
- ▶ Chapter 4, References, lists the sources cited in this document.

- ▶ Chapter 5, Document Preparers, lists the individuals who contributed to the preparation of this document.
- ▶ Appendices includes technical data used in the analysis that were not included in the DEIR.

This document and the DEIR together constitute the FEIR for the proposed project. The DEIR is hereby incorporated into this document by reference.

1.2 SUMMARY DESCRIPTION OF THE PROPOSED PROJECT

The DEIR evaluated the proposed project as summarized below. The project description is provided in detail in DEIR Chapter 2.

The Specific Plan proposes a 22-acre rectangular-shaped, mixed-use development area with retail, recreation, cultural, civic, and residential uses that would contribute to the vitality of the Downtown area of the city, combining current land uses with new development. Subarea 1 consists of five properties fronting on Magnolia Avenue and East Ward Street in the southwest portion of the Specific Plan area, encompassing the historic railroad structures and adjacent commercial buildings, a City park, an access driveway to Larkspur Plaza, a City-owned parking lot, and the American Legion hall. Subarea 2, which fronts on Doherty Drive near Magnolia Avenue, has existing commercial establishments including Albertsons supermarket and a gas station. Subarea 3 consists of the Niven property, which is occupied by abandoned greenhouses and other nursery operations structures, a small retail nursery in the northeastern corner of the subarea, and a modular residential unit. The Doherty Drive right-of-way, from Magnolia Avenue east to the city limit (5.58 acres), is included within the Specific Plan boundaries but is not developable for any other use and, thus, is not included within the development subareas. Other planning and site improvements would be required and are described below. A number of land uses are permitted in each of the subareas, as described in the Specific Plan and regulated by the City Zoning and Subdivision Ordinance.

The first set of approvals to be considered by the Planning Commission and the City Council will include amendments to the City of Larkspur General Plan (General Plan) and the Larkspur Downtown Specific Plan, adoption of the Specific Plan, and rezoning of Subarea 3 to Planned Development District, with the adoption of the Specific Plan as the Preliminary Development Plan. The information included in this EIR will also be used by other regulatory agencies (e.g., California Department of Toxic Substances Control) in deciding whether to grant permits or approvals necessary to construct and operate proposed future implementing projects.

1.3 CEQA GUIDELINES ON RECIRCULATION

Recirculation is the process by which the DEIR is revised and redistributed to the public for additional comments prior to the completion of the Final EIR. CEQA requires recirculation

only under special circumstances. Section 15088.5 of the State CEQA Guidelines identifies the requirements for recirculating an EIR as follows:

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the DEIR for public review under §15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:
 - (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the proposed project, but the project’s proponents decline to adopt it.
 - (4) The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.
- (c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.
- (d) Recirculation of an EIR requires notice pursuant to §15087, and consultation pursuant to §15086.
- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

The intent of this section of State CEQA Guidelines is to ensure that decisions-makers and the public have the opportunity to review new information that affects the DEIR’s conclusions about significant environmental effects. As shown in the responses to comments in Section 2.2 of this document, new information is added to clarify the analysis in the DEIR. This document also includes modifications to mitigation measures recommended in the DEIR; these modifications would not result in new significant and adverse impacts. The City is expected to adopt the mitigation measures as revised herein. The comments and responses to comments

do not reveal any new significant impacts, substantial increase in severity of any impacts, nor any alternatives or mitigation measures considerably different from those analyzed in the DEIR. No significant new information as defined by §15088.5 of the State CEQA Guidelines are added to the EIR. For these reasons, the City has determined that the modifications to the DEIR as presented in this document do not warrant a recirculation of the DEIR.