June 1, 2014

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MARIN CONSERVATION LEAGUE
Protecting Marin Since 1934

Re: Draft Environmental Impact Report for the Proposed Station Area Plan

The Marin Conservation League (MCL) concurs with the opinion of several legal authorities that the Draft EIR is not legally certifiable as a Program EIR. That opinion is primarily based on the Draft EIR's failure to satisfy a number of regulatory and procedural requirements of California law, and its failure to adequately disclose, analyze, and mitigate the potentially significant environmental impacts of the Station Area Plan (SAP) with respect to air and water pollution, seismic activity, water supply, sea level rise, greenhouse gas emissions, traffic and other transportation related impacts, habitat and species protection, and many other issues. Impacts are rated less than significant with mitigation, without any data to support the decrease in impact provided by the mitigation.

MCL recommends that the Larkspur City Council simply reject the Draft EIR as incomplete, incorrect, and inadequate, and then reject the Station Area Plan as well. Virtually all of the truly beneficial features of the SAP are already contained in the Larkspur General Plan and could be implemented independently of the SAP. Some high-density housing advocates have apparently conceded that the SAP plan is highly unlikely to gain approval, and they are proposing that the 920 units be removed from the SAP, but that other features of the SAP be retained. However, MCL does not believe that this is appropriate, as approval of the Draft EIR and/or SAP in any form creates a possibility that the SAP could later be resurrected with the housing component restored. If the Larkspur City Council is compelled to certify the Draft EIR, MCL encourages selection of the No Project alternative. Both the No Larkspur Ferry Terminal Development alternative and the Reduced Residential Development alternative suffer from the same flaws that the SAP does.

Specific comments about the Draft EIR's inadequacy follow below. Page numbers given are those on the Draft EIR hard copy. Numbers that follow in brackets indicate the online page number.

I. INTRODUCTION

p 1 [9] A. PURPOSE OF THIS DRAFT EIR.
Virtually nothing in this Draft EIR has been adequately addressed at a level that would allow it to be useful in evaluating future land use and/or development proposals. Since most of the impacts considered in this document have been inadequately studied, it will be useless in determining later on what Project-specific effects are new and require additional environmental review. This Draft EIR inadequately addresses CEQA's requirement to avoid or reduce environmental damage when possible by requiring alternatives and/or mitigation measures. The Draft EIR fails to satisfy these requirements by improperly

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deferring the analysis of, and failing to disclose, all potentially significant environmental impacts of the Larkspur SMART Station Area Plan (SAP) and failing to provide adequate mitigation measures to avoid adverse impacts.

p 2 [10] B. PROPOSED PROJECT.
Without specific plans for the proposed SMART Station, there is no context within which future effects can be evaluated. The existing Larkspur General Plan already contains policies and design guidelines for pedestrian-friendly improvements to promote walkability and livability for residents and users of the office and commercial properties. They can be implemented independently, without the impacts and burdens related to high-density development of this area.

II. SUMMARY

p 5 [13] A. PROJECT UNDER REVIEW.
The City of Larkspur opposed bringing the SMART train to Larkspur, and the citizens of Larkspur are unlikely to use or benefit from SMART ridership, as the rail line ends at the northern edge of Larkspur. The 'preferred land use scenario' has generated intense public opposition in Larkspur and surrounding communities, which suggests that this is not the 'preferred plan' of anyone other than the consultants who produced it. It wasn't even supported by a majority of the Citizens Advisory Committee (CAC) that was appointed to review it, and there was no final recorded vote by the CAC. How did it become the 'preferred plan' in the Draft EIR?

p 5 [13] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES.
1. Potential Areas of Controversy. Why doesn't the Draft EIR adequately address all of the areas of controversy raised in the Notice of Preparation and during the scoping period?

p 5-6 [13-14] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES.
2. Significant Impacts. Virtually all of the mitigation measures recommended in the Draft EIR report are vague and speculative rather than implementable, and thus do not meet the requirements of CEQA. Where are the factual and scientific studies that are required to support their feasibility?

p 6 [14] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES.
3. Significant Unavoidable Impacts. A main purpose of the SAP is ostensibly to deal with the problems of vehicular use and traffic congestion. The Draft EIR acknowledges that implementation of the SAP will increase traffic delays and substantially contribute to air pollutant emissions, including GHG that would have a significant impact of global climate change. The five significant, unavoidable impacts listed are reason enough to reject the Station Area Plan (SAP).

p 6-7 [14-15] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES.
4. Alternatives to the Project. The CEQA-required No Project alternative is the only alternative whose impacts are fully disclosed in the Draft EIR. There is insufficient

information available in the Draft EIR for evaluating the impacts of the No Larkspur Ferry Terminal Development alternative and the Reduced Residential Development alternative.

p 7 [15] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES.
5. Cumulative Impacts. The four significant cumulative impacts related to implementation of the SAP will have unmitigable adverse effects on the environment and thus they conflict with the stated purpose of the SAP.

p 9 [17] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES.
Table II-1. TRANS-1 and TRANS-2. Since the addition of PM peak hour trips to Sir Francis Drake Boulevard would conflict with Circulation Element Policy C in the City of Larkspur General Plan, the consultants who produced the Draft EIR, stuck with the reality that Intersection #3 currently operates at LOS E or F, are conveniently recommending that Larkspur simply delete that policy from their General Plan. The same recommendation is made about Circulation Element Policy M in the Larkspur General Plan. The consultants' message is, "If the standards can't be met, just delete them." This is unacceptable, and it does not address the environmental consequences of the impact.

p 10-11 [18-19] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES.
Some traffic issues rely on monetary contributions as mitigation. No timeline is specified for actual implementation of mitigation, and it is unacceptable to delay mitigation until Project(s) completion, when impacts will have increased for some period of time without mitigation. The Draft EIR also proposes using a construction management plan to mitigate impacts, with no data to demonstrate that impact reduction will be more than nominal, essentially deferring mitigation. Specific measures must be stipulated now to show that mitigation is feasible and significant.

p 11 [19] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES.
Table II-1. TRANS-4, TRANS-5, TRANS-6. These simply don't qualify as mitigation measures, since the locations are not within the jurisdiction of the City of Larkspur and there is no indication that they will be approved or funded by the other agencies that have the jurisdiction over these locations.

p 13 [21] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES.
AIR -1. This states that adoption of specified steps would reduce air pollution emissions to acceptable levels during "Plan Implementation". However, there is no indication of what construction is being addressed by this mitigation. Does the mitigation assume a worst-case scenario where all construction associated with Plan Implementation is proposed in a single time period, or does the mitigation assume construction in stages at different times? If the latter, where is the data that indicates staged implementation and what would be the air pollution contributions associated with each stage? Also, clarification is needed, to show what the mitigation achieves in terms of air pollution emissions reduction.

p 15 [23] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES.
AIR-5. Does this mitigation address air pollution inside buildings, or does it also address

exposure outside buildings within 500' of Hwy.101? If outside areas include playgrounds, or other common areas designated for outside use, air pollutions emissions at these locations should also be evaluated for air pollution emissions, and mitigations to reduce them should be provided.

p 15 [23] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES.
GCC-1. How was it determined that Plan Implementation should be allowed to increase vehicle trips by 10%? Even if the impact to global warming is significant and unavoidable (SU) under any scenario, mitigation should be provided to reduce it to the maximum extent possible. Provide data to show that a 10% increase in vehicle trips is the smallest increase that could be allowed under the SAP.

p 17 [25] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES. NOISE-3.
This states that the impact would be less than significant (LTS) with mitigation. However, there are no assurances that the mitigation, requiring contractors "where possible" to reduce noise, will be feasible. In addition, the direction to use multiple pile drivers at one time seems to conflict with the goal of the mitigation. There is no information on how much of the SAP will be undergoing construction during any single time period, details of which would allow for a better estimate of noise impacts. For nearby residents, the noise impacts associated with Plan Implementation appear to be SU. Please re-evaluate this impact.

p 18 [26] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES. NOISE-4.
It is inconceivable that construction noise will not be SU, given its likely duration over full days for a lengthy period of time (years). Again, the level of impact should be reevaluated.

p 22-23 [30-31] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES. BIO-4.
It appears SAP implementation includes construction work within marsh areas. There should be mandated setbacks to protect such areas. Besides impacts to plant/animal species, marshes/mudflats are important in reducing impacts of sea level rise (SLR) and associated increase in wave surge. How is loss of such area to be mitigated?

p 25 [33] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES. BIO-6.
Mitigation assumes a permit will be granted. What is the level of impact significance if it is not? The same question applies to other mitigations that require obtaining permits. Where mitigations (including BIO-6) call for off-site replacement, suitable locations should be identified in the EIR. Without such identification, it cannot be known if mitigation is feasible. Off-site locations should be in the general area of projects so that habitat and other biological/air quality functions are retained in the same geographic area. Note that BIO-6 allows for the use of heavy equipment within protected tree driplines, yet calls the impact less than significant.

p 27 [35] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES. BIO-7.
This requires lost jurisdictional wetland replacement at 1:1 ratio. Since the success of newly created wetlands is never guaranteed, the replacement ratio should be 1:3 to

increase the likelihood of at least par replacement over time. Also, in support of a higher replacement ratio, immature wetlands do not provide all the beneficial functions of mature, well-established ones, resulting in habitat loss for at least some period of time, which should be supplanted by greater acreage.

In addition, a Mitigation and Monitoring Plan (MMP) is not sufficient. It should be a Mitigation and Monitoring Report Plan (MMRP) – with "reporting" the missing component. Monitoring without reporting does not achieve mitigation. As in BIO-9, the MMP should be required to be submitted to the City and the California Department of Fish & Wildlife (CDFW) for approval. Undefined deferral of the Mitigation Monitoring Plan is not appropriate. The mitigation should explicitly state that the MMRP should be part of any Project approvals, and there should be opportunity for public review and input of any wetland MMRP.

As the mitigation is written, it appears that it would be less costly for a developer to buy mitigation credits, since he then would not have to create an MMP or an endowment to fund it. Since retention of existing wetlands is the preferred mitigation, it should be clear that purchase of credits would include the cost of creating a MMP and funding the endowment so as not to incentivize credit purchase.

p 31 [39] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES. BIO-11.
The proposed 1-1 ratio for protected tree replacement is not adequate. Tree replacement is generally with seedlings, which do not provide the benefits of mature trees for many decades. Specify minimum tree replacement size and increase replacement ratio to 1:3. The current requirement does not incentivize retaining these highly valued trees, and in fact, makes it economically desirable to remove/damage trees that are "in the way" rather than to work around them.

p 31 [39] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES. GEO-1.
Where there are seismic risks, an EIS or EIR should identify/quantify and provide remediation standards in advance of Project approval. More detailed study can be done prior to permitting, but general information is essential to informed Project approval.

p 32 [40] B. SUMMARY OF IMPACTS AND MITIGATION MEASURES. Table II-1. HYDRO-1.
Designing to a 55" sea level rise is inadequate. This does not address king tides and wave surge in storm conditions or the latest information on melting Arctic glaciers. In addition to building standards that adapt to SLR 'plus', the road, drainage, sewage, utility placement, etc., must all meet explicitly defined standards.

This document totally ignores the fact that the maps contained in the Station Area Plan show that all of the access roads to the various Opportunity Sites will be under water with even a relatively modest sea level rise. Of more immediate concerns, those same access roads are likely to be flooded in the frequent 100-year storms that are experienced in this area. Residents will be unreachable by emergency vehicles and first responders at those times, yet this impact is not addressed in the Draft EIR.

III. PROJECT DESCRIPTION

p 44 [52] D. PROJECT OBJECTIVES FOR EIR ANALYSIS.
"Increase and support transit ridership and reduce vehicle miles traveled." p 52 [60] #7. "The draft Station Area Plan recommends that the City amend the land use designations within the Plan area to allow a mix of land uses at higher densities and intensities than are currently permitted."
Question: If more new housing, more hotel rooms, more destination retail is built than is currently allowed for the specific study area and the entire city of Larkspur, how can that result in a reduction of VMT? If the calculation is based on a per person basis, then this is a mathematical manipulation – not an actual reduction in VMT or GHG. Provision of more units/amenities that create a market for more residents/visitors may be economically desirable, but does not achieve overall reduction in VMT and GHG. Assumptions that new residents will overwhelmingly choose [currently nonexistent] mass transit, bikes or walking rather than using cars must be data based.

p 44[52] D. PROJECT OBJECTIVES FOR EIR ANALYSIS.
There are no indications that additional bus transit service will be planned, funded, and provided to accommodate residents of the Project area, so this objective can only be described as speculative, and not a reasonable Project outcome.

p 44 [52] D. PROJECT OBJECTIVES FOR EIR ANALYSIS.
Increasing the housing supply by 920 dwelling units is excessive as a means of meeting the City's share of regional housing needs, which is listed as 132 units in the RHNA cycle covering 2014 to 2022.

p 45 [53] D. PROJECT OBJECTIVES FOR EIR ANALYSIS.
There is no plan for dealing with flooded arterial roadways such as Sir Francis Drake Boulevard in 100-year storms that will produce flooding in this area at more frequent intervals due to sea level rise.

p 46 [54] E. DRAFT CITY OF LARKSPUR SMART STATION AREA PLAN.
2. Station Area Plan Chapters.
The infrastructure improvements mentioned in this section, including for flooding/sea level rise mitigation and adaptation strategies for the Plan Area, cannot be found anywhere in the document.

p 50 [58] E. DRAFT CITY OF LARKSPUR SMART STATION AREA PLAN.
2. Station Area Plan Chapters. A. Larkspur Landing Area.
"This Draft EIR does not analyze the potential environmental effects of the structured or replacement Ferry Terminal parking projects which would be addressed under a separate CEQA analysis on a project-by-project basis." Yet this document appears to assume feasibility of construction of these features without EIR analysis. This EIR must base its analysis without factoring in these significant features – or it must provide EIR analysis.

p 51 [59] E. DRAFT CITY OF LARKSPUR SMART STATION AREA PLAN.
2. Station Area Plan Chapters. A. Larkspur Landing Area. a.(4) Marin Country Mart.
It seems highly presumptuous to propose that the Marin Country Mart site have multi-story "new residential development added around the periphery of the existing retail center, or the entire site could be redeveloped with vertical mixed-use (residential over a retail center.)"

There is no indication that the owner of this successful retail center is amenable to the SAP's vision expressed in the Draft EIR as follows: "It is anticipated that parking to replace existing spaces and support additional development would be located either below structures (podium) or in a new parking structure." The downloaded illustration shows the Marin Country Mart site walled off from sunlight and its existing, expansive views of the bay and the hills by high-rise apartment buildings and garage structures, whose adverse impacts on the site are unaddressed.

p 51[59] E. DRAFT CITY OF LARKSPUR SMART STATION AREA PLAN.
2. Station Area Plan Chapters. A. Larkspur Landing Area. #4. Access, Circulation and Parking.
"…A monitoring program will be implemented by the City to periodically measure this traffic to ensure that traffic conditions are not significantly worsened by development in the Plan area." How does this fit in? How can monitoring address Plan-generated problems after the fact? Evaluation of traffic impacts must be made, and mitigated, prior to any project approvals and a cumulative impact assessment must be addressed with each proposed project.

p 52 [60] E. DRAFT CITY OF LARKSPUR SMART STATION AREA PLAN.
6. Amendments to the Zoning Ordinance.
In order to properly assess traffic, parking and GHG impacts, it is necessary to understand the increase in units that will be added by a new "density bonus" ordinance. The additional recommendation to allow developers to pay in-lieu fees instead of providing required parking also needs assessment to properly assess impacts.

p 53 [61] E. DRAFT CITY OF LARKSPUR SMART STATION AREA PLAN.
6. Amendments to the Zoning Ordinance. Planned Development Districts.
It is not clear if the discussion of the process for PD-zoned areas excludes the preparation of an EIR for Plan Area projects.

p 58 [66] E. DRAFT CITY OF LARKSPUR SMART STATION AREA PLAN.
7. Amendments to the General Plan. Land Use Element.
"The intensity ranges are indicative of the need to ensure that any new development in the area is implemented at densities that are transit-supportive." However, there are no indications that the level of transit services will be available to support this objective. Commute-hour ferries are already at capacity, and many commuters arrive at the ferry terminal only to find that the ferry they expected to take to San Francisco is full, meaning that they must find other means of getting to work. Ferry service is limited to 42 crossings

per day because of the adverse impact the ferries' wake has on adjacent marshes, so it is unclear how this mode of transit can accommodate additional demand at peak hours.

Also, bus service within the County and across the Golden Gate Bridge is inadequate for many people because the buses either do not serve their destination points or they do not run at intervals would-be passengers require. The SMART rail line terminates at the northern edge of Larkspur, and ridership is projected to be only 110 passengers per day. Few residents are likely to take the SMART train northbound, as studies show that their destinations are mostly elsewhere. Ongoing funding shortfalls make it unlikely that there will be sufficient additional transit services of any kind provided to make the Plan Area function as a transit-dependent neighborhood. There is no specific evidence provided in the Draft EIR to contradict this conclusion.

p 58 [66] E. DRAFT CITY OF LARKSPUR SMART STATION AREA PLAN.
7. Amendments to the General Plan. Circulation Element.
"Policy Recommendation ACP-2: Limit the future increase in vehicle trips from the Station area to no more than 10 percent above the current traffic generated by the station area. Development that generates trips exceeding this trip cap should not be permitted until traffic improvements and TDM measures can reduce trip generation to this level." This approach to handling traffic does not address the current unacceptable traffic conditions in the Plan Area. Allowing "by right" an additional 10% increase in traffic will only exacerbate greenhouse gas (GHG) levels. Since an EIR works from existing baseline conditions, evaluation must be made of a 10% traffic increase to the current baseline. The Plan gives lip service support to improvements currently needed, but provides no requirement for their construction under Policy Recommendation ACP-6.

p 58 [66] E. DRAFT CITY OF LARKSPUR SMART STATION AREA PLAN.
7. Amendments to the General Plan. Circulation Element. Policy Recommendation ACP-4.
TDM 'requirements?' As there is likely to be some public resistance to giving unelected managers of the proposed Transportation Demand Management agency the authority to regulate how people access their homes, the places where they work, where they shop, and where they visit friends, please cite examples of where and how such a system has functioned successfully in comparable suburban communities.

p 58 [66] E. DRAFT CITY OF LARKSPUR SMART STATION AREA PLAN.
7. Amendments to the General Plan. Circulation Element. Policy Recommendation ACP-7 through ACP-13.
It should be noted that the objectives intended to be met by implementing Complete Streets improvements are not dependent on certification of the Draft EIR or adoption of the SAP, as the regional, state, and federal funding sources for such improvements can be obtained without this Project.

P 59 [67] E. DRAFT CITY OF LARKSPUR SMART STATION AREA PLAN.
7. Amendments to the General Plan. Housing Element.
The policy recommendations that favor replacing the Redwood Highway mobile home

parks "with new affordable development at comparable area **median income (AMI)** [emphasis added here] levels will inevitably displace existing low-income mobile home residents, as their income levels are unlikely to enable them to rent other types of low-income dwelling units, and certainly not the median income units proposed in this document. The EIR should assess impacts to existing low-income mobile home residents and provide realistic mitigation if necessary.

P 59 [67] E. DRAFT CITY OF LARKSPUR SMART STATION AREA PLAN.
7. Amendments to the General Plan. Housing Element.
"Add policy language addressing the City's intent to, as necessary and appropriate, plan for the provision of housing to replace the mobile home units in the Redwood Highway area as the existing units begin to become uninhabitable and flooding issues become more acute."

This recommendation ignores the possibility of constructing flood control improvements to protect these truly low-low income neighborhoods from becoming uninhabitable. It will inevitably result in the eradication of the mobile home parks that constitute the vast majority of Larkspur's existing low-low income dwelling units. This population will be driven out of Larkspur because they cannot afford the costs of newly constructed low-low income units. Also, the full [now closed] waiting lists for this type of housing stretch years into the future. In recommending this policy, the EIR must provide sufficient, realistic mitigation for this impact on a specific segment of Larkspur residents.

IV. SETTING, IMPACTS AND MITIGATION MEASURES

P 63 [71] A. DETERMINATION OF SIGNIFICANCE.
The CEQA requirement that the determination of significant effects be based on scientific and factual data has not been met in this document. The criteria of significance used by the consultants and City staff are weak, outdated, and speculative rather than scientific and factual. This is reason enough for the Draft EIR to be rejected.

p 64 [72] A. DETERMINATION OF SIGNIFICANCE. Land Use and Planning Policy.
The Draft EIR states that "for evaluation of cumulative impacts, CEQA allows the use of either a list of past, present, or reasonably anticipated relevant projects, including projects outside the control of the lead agency, a summary of the projections in an adopted planning document, or a thoughtful combination of the two." However, this document fails to provide the necessary evidence that proposed mitigation projects qualify as "reasonably anticipated," as most of them have not actually been studied, planned, approved, or funded by whatever agency has ultimate jurisdiction over them.

p 72 [80] A. DETERMINATION OF SIGNIFICANCE. Land Use and Planning Policy. Regarding the explanation of Assembly Bill 32: Global Warming Solutions Act and Senate Bill 375: Sustainable Communities Act and other regulatory provisions: Inclusion of this looks good, but has no substantive relevance to the Plan, which has no estimate of actual GHG reduction, just application of questionable theoretical approaches to such reduction (i.e., higher density housing near transit.) Note that walkability to grocery stores, banks,

cleaners, etc., is questionable for many future residents, given proposed housing locations.

p 75 [83] A. DETERMINATION OF SIGNIFICANCE. Land Use and Planning Policy. The Plan is inconsistent with current Larkspur General Plan policies:

- Policy a: Residential density standards shall consider neighborhood characteristics, existing uses, surrounding uses, impact on the traffic capacity of the street system, access to services, geotechnical conditions, and natural resources.

- Policy b: Residential development should not be at such a high density that it has an unacceptable impact on the street system serving the area.

- Policy c: Allow maximum densities in the medium and high density residential categories as described in this Plan only in those developments that promote social and economic diversity and environmental benefits, and only where care is taken to preserve neighborhood scale and ambiance.

p 81 [89] A. DETERMINATION OF SIGNIFICANCE. Land Use and Planning Policy.
The Station Area Plan conflicts with virtually every goal of the Larkspur General Plan. The Draft EIR contains no compelling evidence that the Station Area Plan would provide benefits that justify amending the General Plan in order to accommodate the dramatic changes proposed in the SAP. The SAP conflicts with the themes of the 2010-2030 General Plan Update with regard to maintaining the City's overall residential character and the scale of its neighborhoods. Four- and five-story apartment buildings are inconsistent with the City's overall residential character and the scale of its neighborhoods. Also, the City of Larkspur does not have the authority or the funding capability to "assure adequate public transit service in Larkspur (e.g., commuter rail, bus, ferry, Airporter)…." This must be acknowledged in all proposed mitigations.

p 84 [92] A. DETERMINATION OF SIGNIFICANCE. Land Use and Planning Policy.
Without a specific, feasible plan to address current and future flooding at the 101/580 junction and underpass on Sir Francis Drake Blvd., the proposed higher density and new commercial development will invite greater gridlock, more accidents, and higher GHG levels. This is a significant impact that should be acknowledged in the Draft EIR.

p 88 [96] A. DETERMINATION OF SIGNIFICANCE. Land Use and Planning Policy.
"To allow for an increase in density within the Plan area, building heights east of U.S. 101 will be allowed to range from two to five stories." This is inconsistent with the goals and objectives of the Larkspur General Plan.

p 91 [99] B. TRANSPORTATION AND CIRCULATION.
b. There is no indication of the weather conditions at the time this data on the ten Study Intersections and three Freeway Segments was collected, which should be provided to correctly ascertain impacts.

p 91 [99] B. TRANSPORTATION AND CIRCULATION.
a. "… The [traffic] study area is comprehensive; the impacts of the proposed project are well-contained within it and no measurable impacts are anticipated beyond these borders." This statement is unbelievable. Traffic congestion in this entire area is already a serious problem, and build-out will inevitably increase backups to the west along Sir Francis Drake Blvd. and nearby Hwy. 101 exits and onramps.

p 92 [100] B. TRANSPORTATION AND CIRCULATION.
Data on existing conditions is several years old and traffic volumes have changed dramatically during the past three years. The counts collected in 2005 and 2011 cannot be considered valid. During the GCIP review process in 2013 it was determined that the traffic models used were inconsistent with actual traffic congestion conditions.

p 95 [103] B. TRANSPORTATION AND CIRCULATION.
Everyone familiar with the Project area knows how serious the existing parking problems are. Where is the scientific and data-based evidence that the parking ratio, shared parking and parking demand management strategies described in this document will successfully mitigate parking and traffic congestion problems in the Plan Area?

p 96 [104] B. TRANSPORTATION AND CIRCULATION.
It appears that both the construction proposed and services to be offered (increased commercial, hotel, et al) are likely to increase traffic from the East Bay by contractors and new employees. This needs to be calculated and the impacts assessed. In addition, travel to schools, playing fields, doctors' offices, and local serving shopping areas will most likely have to be by car for new residents. The Draft EIR's almost-exclusive emphasis on transit-oriented travel omits a reality-based assessment of residents' actual needs and the resulting impacts of increases in vehicular travel.

p 96 [104]; p 113 [121] B. TRANSPORTATION AND CIRCULATION.
This approach to traffic study echoes that done for the Easton Point project (a much more limited proposed residential development at the end of the Tiburon peninsula). Commenters pointed out that reduction in traffic counts over previous years did not mean less traffic, but considerably slower moving traffic. When traffic is backed up, and turns further negatively impact flow, less traffic moves through an intersection, resulting in counts that seem to indicate fewer vehicles on the road. The traffic analysis needs to assess rate of movement over critical roadway segments.

p 98 [106] B. TRANSPORTATION AND CIRCULATION.
In assessing Highway 101 capacity, this study does not appear to have factored in relatively long steep inclines, which act to further reduce capacity and increase GHGs.

p 99 [107] B. TRANSPORTATION AND CIRCULATION.
The existing public transit system that includes local buses, express buses, shuttles, and ferry service is inadequate to meet existing needs, and there is no evidence presented in the DEIR that there are plans and funding sources to meet them. The DEIR does not

address how the increased needs related to the SAP will be met. Ferry service cannot be significantly increased because of limits on the number of daily ferry runs in order to protect adjacent tidal marshes from erosion caused by ferry wakes. Bus routes are being eliminated rather than added. Since the stated purpose of the SAP is to get people out of their vehicles and onto mass transit, the absence of this information is a critical flaw of the DEIR.

p 114 [122] B. TRANSPORTATION AND CIRCULATION.
It is unclear whether the VISSIM analysis of traffic assesses movement of traffic along road sections. p 117 [125] The VISSIM simulation model analyzes the effects of the closely spaced intersections and existing congestion along Sir Francis Drake Boulevard between Eliseo Drive and Larkspur Landing Circle (East). Vehicle movements along this section of Sir Francis Drake Boulevard currently operate at LOS E or F, and the conclusions in the Draft EIR are not supported by real-time observations and analysis.

p 120-123 [128-131] B. TRANSPORTATION AND CIRCULATION.
This section contains no compelling evidence that the Station Area Plan would provide sufficient benefits to justify amending the Larkspur General Plan in order to accommodate the 920 additional dwelling units that will generate vehicular traffic volumes that cannot be adequately mitigated in the SAP.

p 130-134 [138-146] B. TRANSPORTATION AND CIRCULATION.
Traffic congestion in this area is already a serious problem, and build-out will inevitably increase backups to the west along Sir Francis Drake Blvd. to Wolfe Grade. Where is the factual and scientific data (as opposed to modeling based on the mixed-use trip generation methodology known as MXD+) to support the Draft EIR's conclusion that there will be a less-than-significant impact?

p 135 [143] B. TRANSPORTATION AND CIRCULATION.
One of the most cynical attempts to minimize the impacts of this Plan is the proposal to reduce Trans-1 impact to LTS by changing policy. This approach could be applied to all significant impacts and render all projects acceptable. It doesn't actually mitigate an impact, just changes the standards by which it is judged. This seems antithetical to the intent of CEQA. In this case, lowering acceptable LOS would raise issues involving impacts on quality of life, GHG from traffic, pedestrian and bike safety. This same "change/ elimination" of policy is applied in Trans-2 to impact level of significance. Such magical thinking does not belong in this document.

p 145 [153] B. TRANSPORTATION AND CIRCULATION.
Were the consultants unaware that the GCIP was not approved and therefore will not be completed by 2015? If they were aware, explain why this statement was included.

p 146 [154] B. TRANSPORTATION AND CIRCULATION.
There is no evidence presented to support the claim that, without the SAP Project, the four study intersections on p 146 would degrade to unacceptable intersection operations due to

the cumulative traffic growth. Provide such data, if it exists.

p 150 [158] B. TRANSPORTATION AND CIRCULATION.
There is no evidence presented (beyond theoretical assumptions) to support the claim that implementation of Mitigation Measure TRANS-5 would reduce vehicle delay at this intersection to less than without the Project. Provide such data, if it exists.

p 152 [160] B. TRANSPORTATION AND CIRCULATION.
The proposed Mitigation Measure TRANS-6 is neither planned nor funded by Caltrans. Yet it is used by the Draft EIR as a mitigation to reduce the highly significant adverse gridlock impact of the SAP on Hwy 101. This doesn't qualify as a reasonably anticipated mitigation measure. Provide a feasible mitigation or reassess impact significance.

p 153 [161] B. TRANSPORTATION AND CIRCULATION.
There is no evidence that there will be transit services accessible at the site to take people to their employment. Such services do not exist now and there are no existing plans to fund them in the future. There are no plans to fund additional transit services to accommodate potential increased ridership. All of the Draft EIR figures are guesstimates, unsupported by any actual studies or data. Provide achievable mitigation or reassess impact significance.

p 158 [166] B. TRANSPORTATION AND CIRCULATION.
The Urban Land Institute's Shared Parking Model may not be applicable to the Larkspur Landing Area as there are many unknown variables inherent in any specific plans that may be submitted for the project area in the future. This mitigation is speculative.

p 160 [168] B. TRANSPORTATION AND CIRCULATION.
MTC's Reforming Parking Policies to Support Smart Growth (RPPSSG) (2007) and the related strategies of Parking Demand Management (PDM) have not been used in this area. An example is the recommended creation of "space-efficient parking through the use of tandem, valet, and stacked mechanical parking" that would require repeated movement of privately-owned vehicles by third-parties while the owner is not present. Although there are public parking garages in San Francisco that use the space-efficient parking strategies of MTC's RPPSSG and PDM, there is no evidence provided in the Draft EIR that these strategies proposed in the SAP have been applied successfully in a suburban mixed-use environment similar to Larkspur Landing.

p 161 [169] B. TRANSPORTATION AND CIRCULATION.
The plan to "unbundle parking (separating the cost of parking in lease agreements with tenants) for offices and housing units" and "encourage developers to build less parking" is a cynical attempt to make high-density development of this area seem feasible by assuming that residents, workers, and shoppers will have accessible transit options. However, there is no evidence that an efficient and affordable transit system will exist to serve them, as public bus and shuttle service in Marin is notoriously unavailable to take people where they need to go in a timely way, resulting in service reduction, not increase, as population rises.

p 163 [171] B. TRANSPORTATION AND CIRCULATION. Transportation Demand Management and Trip Cap.
The suite of Transportation Demand Management (TDM) strategies is one of the most troubling features of the Draft EIR. By applying them to all user groups in the Plan area, including residents, employees, shoppers, and transit riders, the newly created TDM agency under TAM will, in essence, dictate when, where, how, and at what cost drivers can access any of the commercial, residential, or transit facilities in the Plan area. Please cite specific examples showing where and how these strategies have been used successfully in comparable locations.

p 163 -164 [171-172] B. TRANSPORTATION AND CIRCULATION. Transportation Demand Management and Trip Cap.
None of the policies listed in the TDM and Trip Cap section of the Draft EIR were included in the travel demand calculations for the DEIR traffic analysis, which is a critical omission. As stated in the document, "the feasibility, funding sources, and effectiveness for these mode shift strategies are unknown at this time." Since parking problems and traffic congestion are two of the main issues to be addressed in the EIR, this omission alone makes the document uncertifiable.

p 165 [173] B. TRANSPORTATION AND CIRCULATION. Transportation Demand Management and Trip Cap.
The Draft EIR's rationale for unbundled, shared parking is not supported by any studies, analysis, or evidence that it would work in the Larkspur Landing area. Not including parking in the purchase or rental price of a residential or commercial unit is a foreign concept in suburban communities, and the claim that it can make housing more affordable for those without a vehicle is unrealistic in this area. Also, even those residents who use transit when available will still need to have a car in order to reach all the places where bus and shuttle service doesn't exist. The Draft EIR's recommended "companion strategies of prohibiting street parking overnight, charging market rates for on-street parking, and selling limited residential parking permits" are not supported by any evidence of their efficacy in the document. The recommendation that what's referred to as 'surplus residential or employee parking' be "leased to SMART or Ferry Terminal patrons at market rates (on a monthly basis to control the population of users with access to the residential parking area)" lacks any supportive evidence that it will solve more problems than it creates.

p 180 [188] C. AIR QUALITY. 2. Impacts and Mitigation Measures. a. Criteria of Significance.
Provide reputable data-based studies documenting that the projected reductions in motor vehicle travel will actually be achieved

p 187 [195] C. AIR QUALITY. 2. Impacts and Mitigation Measures. a. Criteria of Significance.
(3) Result in a Cumulatively Considerable Net Increase of Any Criteria Pollutant.
Since a major purpose of the SAP is to reduce GHG emissions, the fact that even with Mitigation Measures AIR-1, AIR-2, and AIR-3, the Draft EIR acknowledges that

implementation of the SAP would result in exceeding the threshold for operational impacts for criteria pollutants. This is a serious defect in the SAP that makes it an unacceptable alternative.

p 214-215 [222-223] D. GLOBAL CLIMATE CHANGE.
Where is the factual or scientific evidence that the SAP will have a beneficial effect on global climate change? Isn't this one of the principal purposes and main objectives of the SAP?

p 240 [248] E. NOISE
It is unrealistic to think that construction workers on-site seven days a week will observe all of the Mitigation Measures in NOISE-4 that are supposed to reduce construction-related noise impacts to a less-than-significant level. Impose monitoring and fines to increase the likelihood that noise mitigation measures will be effective.

p 243 et al [251 et al] F. BIOLOGICAL IMPACTS. 1. Setting
Because the Draft EIR for the Larkspur Area Station Area Plan is a Program, or "First Tier," EIR, the setting information provides a baseline and overview of conditions for evaluating general impacts, with a menu of mitigation measures that could be applied to future projects as they are proposed. To this end, the Biological Resources section provides a fairly comprehensive "setting", that is, a generalized description of habitats and special status species and other fish and wildlife species that are likely to occur within the planning area itself. Missing from the description is the larger context of sensitive resources beyond the planning area, for example, the Corte Madera Ecological Reserve to the south, inhabited by endangered California clapper rail and many other sensitive tidal marsh species. Corte Madera Creek is acknowledged as being within the planning area, but this is just one 36 +-acre reach of a creek that acts as a migration corridor for both aquatic and terrestrial species at a critical juncture linking the extensive watershed of the Ross Valley with the larger Bay ecosystem. Impacts within a limited reach of the Creek could have indirect impacts on more distant resources. The Setting description needs to acknowledge this context. On page 281, the impact analysis mentions the Creek as a corridor for both aquatic and terrestrial species; it should be emphasized in the Setting in the Final EIR.

At the other end of the spectrum, the planning area contains several small remnants of once more extensive natural habitat that remain in an otherwise developed or highly disturbed environment – a total of about 16.5 acres. Their small size does not diminish the importance of these "pockets" of habitat, and they deserve protection accordingly. Larkspur General Plan Policy is clear that "low-intensity development on hillsides and near Corte Madera Creek (should) preserve natural features such as significant stands of trees, forested hillsides, riparian vegetation, marshlands, wildlife habitats, ridgelines, and buffer zones." And ". . .new development (should be required) to preserve some natural area." The Setting description in the Final EIR should acknowledge that these remnant natural areas take on special significance due to their rarity within this planning area.

p 273 et al [281 et al] F. BIOLOGICAL IMPACTS. 2. Impacts and Mitigation Measures.
In the absence of a physical project description and footprint (the project consists only

of a "program" of land uses with estimated numbers of residences and square feet of buildings), there is no way to identify specific impacts on specific resources. Therefore, impact identification and analysis in the Draft EIR essentially portrays a set of "worst case" scenarios, on the assumption that specific projects will be examined in greater detail in Initial Studies (at a minimum). It follows that the types of direct impacts are not well described (e.g., direct fill in wetlands, temporary fill, loss of refuge habitat, removal of vegetation from oak woodland or riparian habitat, etc.?).

Indirect impacts are not well described either. The discussion under BIO-4 suggests that changes in the land-use, such as the residential development, could impact clapper rails and other special-status marsh species, if present in adjacent tidal marsh habitat. Potential impacts could include increased lighting, noise, and domestic pets. This concern should apply generally to other habitats discussed in the Draft EIR, including Corte Madera Creek. All of these habitats may be impacted by intensified human presence and activities in the Larkspur Landing area over the long term. The DEIR claims that no cumulative impacts will result from build-out of the area, citing the absence of foreseeable future projects. We contend that the accumulation of past developments in the planning area has left the remnants of natural habitat more vulnerable to impact. The Final EIR should fill in the above missing pieces of the impact analysis.

In the absence of impact detail, the mitigation measures are cautionary and generic, offering text-book protocols for pre-construction surveys, removal of species during construction, ratios for replacements and compensation or off-sets (e.g., wetland mitigation bank). All protection or conservation plans for mitigating assumed impacts are deferred to future specific projects and consultation with or authorization from trustee and/or regulatory agencies. No performance standards are offered for such plans. Mitigation measures that suggest purchase of credits in a distant mitigation bank are unacceptable, in that the mitigation would have to occur well away from the site of loss since there is no mitigation bank in the Corte Madera Creek watershed.

The preferred mitigation in a CEQA analysis, in all cases, is avoidance of impact. In the further development of the Larkspur Station Area, it would not be difficult to completely avoid the pockets of natural areas described in the Draft EIR; out of a total 405 acres, 88 percent of the land is already developed and/or consists of non-native grassland and woody vegetation. The preference to avoid direct impact, consistent with Larkspur General Plan policies, is conspicuously absent from the discussion of mitigation measures in the Draft EIR. We recognize that the function of the program EIR is to provide a cover for all potential impacts and all possible mitigation measures, but this one is missing and should be acknowledged in the Final EIR.

Mitigation measures to protect sensitive species, trees, etc., from human and equipment encroachment during construction, such as temporary fencing and protection zones (e.g., tree protection zones) are well covered. No mitigation measures are presented to protect sensitive species and habitats from ongoing impacts due to increased human activity in the

area, such as noise, pets, debris, etc. Measures to provide long-term protection should be included in the Final EIR.

p 301 [309] H. HYDROLOGY AND WATER QUALITY. 1. Setting. 1.d.(1) Existing Conditions.
The DEIR fails to note that drainage for the Redwood Highway and Industrial Way area (subarea 2) is jointly provided by the City of Larkspur and Town of Corte Madera. Corte Madera maintains the large pumping station west of the SMART right-of-way levee just south of Industrial Way and handles most of the drainage in that area.

p 316 [324] H. HYDROLOGY AND WATER QUALITY. 2. Impacts and Mitigation. Section b.(2) Housing Within a 100-Year Flood Hazard Area and Other Flooding Hazards. Mitigation Measure HYDRO-1.
The proposed policy specifically refers to projects "within a mapped flood hazard zone". This policy should be corrected to apply to any site that could suffer flooding due to sea level rise, whether or not it is currently mapped.

We urge the City to use this planning effort to specifically designate those areas in the SAP where development should be prohibited, or only used for uses that do not involve habitable building structures, due to likely flooding from sea level rise or from storm events.

p 317 [325] H. HYDROLOGY AND WATER QUALITY. 2. Impacts and Mitigation. Section b. (3), (4), and (7). Contribute Runoff Water or Polluted Runoff Exceeding Stormwater System Capacity.
Development associated with the preferred Station Area Plan would increase and alter the area and location of impervious surfaces and increase contaminated runoff. Although compliance with the existing stormwater permit would reduce harm from pollutants and erosive flow, these permits are periodically retired and revised. The City cannot rely on, or assume continuation of, state mandates to control polluted runoff. We believe this meets the criteria to be considered a potentially significant impact listed in Section 2.a, including the possibility of: substantial increase in the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite, discharge of sediment or contaminants into surface water or wetlands, and other adverse changes in surface water quality that could result in a violation of water quality standards or waste discharge standards.

We suggest that mitigation is required and that general plan policies associated with the SAP should require that all new development utilize strategies to maximize infiltration, capture and reuse runoff, use only permeable surfaces for driveways and parking areas, incorporate bio-retention facilities such as rain gardens, and incorporate other measures to reduce runoff, improve water quality and simulate natural functions to the extent possible. Information on these techniques is available through MCSTOPPP.

p 375 [383] K. PUBLIC SERVICES. c. Cumulative Impacts of the Station Area Plan. (3) Schools.
The impact of overcrowding San Rafael School District facilities is not dealt with at all, other

than by noting that school impact fees would be levied on developers within the SAP. Such fees do not cover the cost of building new school facilities and this cannot be ignored. The Draft EIR states that the school districts will conduct their own environmental analysis to address proposals for new facilities and will address project-level adverse environmental impacts on a case-by-case basis at that time, which is essentially a deferral of mitigation and does not substitute for the DEIR's failure to address the impact of SAP students on current school capacity.

p 377 [385] L. UTILITIES AND INFRASTRUCTURE. 1. Setting. a. Water (1) Water Supply Regarding water supply for the proposed SAP preferred land use scenario, Marin Municipal Water District has contended that, pursuant to SB 610 and contrary to what is stated in the Draft EIR, a water supply assessment will be required to determine if existing water supply is adequate for the SAP implementation. This assessment would be done by the water district, funded by SAP Project proponents, and must be completed prior to certification of the final EIR.

MCL agrees with the conclusion reached by MMWD that a water supply analysis should be conducted now as part of the review of the SMART SAP and be consistent with requirements of CEQA. It will not be known until this analysis is completed whether implementation of the SAP would require construction of new water facilities that would cause significant environmental impacts and/or if such construction is feasible. Implementation of Mitigation Measure UTIL-1 thus cannot be accomplished, and until this is resolved, it is not known if providing the SAP with water would be a significant impact.

p 381 [389] L. UTILITIES AND INFRASTRUCTURE. 1. Setting. b. Wastewater Facilities. (2) Wastewater Treatment.
In the discussion of wastewater treatment, the DEIR states that the Central Marin Sanitation Agency (CMSA) wastewater treatment plant currently treats an average of 11 MGD while its plant capacity is125 MGD. Further it states that existing land uses in the station area generate an estimated 0.09 MGD of sewer flow in dry weather, while the future flows with implementation of the Station Area Plan would be approximately 0.27 MGD, or an additional 0.19 MGD of sewer flow, an increase of over 200%.

This brief discussion appears to be using only dry weather numbers for sewer flow. What is missing is data on sewer flow, actual and estimated, at CMSA and the SAP, throughout the year. According to a CMSA report, on its wet weather improvement project to increase plant capacity to 125 MGD, plant flow during the winter months of December through February can increase 10 to 15 times normal dry weather flows. Data on both dry and wet weather flows is needed to have a clear picture of the SAP's wastewater impact. It is not possible to evaluate impacts of the SAP on wastewater infrastructure until more substantive data is provided about existing and projected year-round flows.

p 387 [395] The EIR must acknowledge that the Marin Municipal Water District took the following action on May 16, 2014:

> The MMWD District Operations Committee of the Board at this morning's meeting approved the staff's (Dain Anderson, their Environmental Services Coordinator) decision to respond to Larkspur on the adequacy of their SAP DEIR indicating that a water supply analysis should be conducted now as part of reviewing and evaluating the SMART Station Area Plan, and should not be deferred to some future General Plan or Zoning Ordinance amendment process.
>
> Staff clarified that the analysis is required due to SB 610 and SB 221, effective in 2002, which require detailed information regarding water availability to be provided to the city and county decision-makers prior to approval of specified large development projects (400 units or more).
>
> Water district staff determined that the proposed preferred land use plan is a presumed forerunner to a future general plan and zoning ordinance amendment, although neither is being considered at this time. Water district staff disagreed with the Draft EIR statement that a water supply assessment is not required at this time, but instead believe that a contemplated change in land use is exactly the time that an assessment should be conducted.
>
> This assessment must be done before the EIR can be certified. The analysis would be done by the water district staff, but all costs would be borne by the project proponents.

p 389 [397] The Draft EIR must acknowledge that the Ross Valley Sanitary District Board has made the determination that the District does not have the capacity to collect and treat wastewater generated by the SAP, nor to deal with stormwater runoff. This must be designated as a significant and unmitigable impact at this point in time.

p 390 [398] L. UTILITIES AND INFRASTRUCTURE. 1. Setting. c. Stormwater Drainage System. (4) Stormwater Facilities.
Regarding stormwater runoff, as stated previously, the City cannot rely on, or assume continuation of, State mandates such as the Small MS4 Permit to manage stormwater runoffs.

The City should impose development standards for the SAP, and for other projects in the jurisdiction, that require plans to incorporate water conservation and Low Impact Development strategies to reduce runoff, improve water quality, and disallow use of potable water for landscaping. Plumbing, in new developments, should be required for recycled and/or gray water systems. Given the size and density of the SAP, on-site satellite wastewater reclamation should be evaluated for this project. The EIR should propose these development standards to reduce the project's environmental impacts.

p 392 [400] The representations in the Draft EIR that the SAP would produce less than significant impacts regarding Water Supply, Wastewater Treatment, and Stormwater System has been refuted by the local agencies that provide these services, as described

above. That must be addressed in the EIR.

p 394 [402] See comments in parentheses and boldface type that follow the objectives listed for the SAP.

"The objectives of the Station Area Plan are listed below:"

- Increase and support transit ridership and reduce vehicle miles traveled; **(there is inadequate evidence that this objective will be achieved);**

- Increase walking, bicycling, carpooling, carsharing, local transit and other transportation options for people in the area; **(current policies are in place to achieve this objective independently of the SAP);**

- Increase the housing supply, particularly affordable housing near the SMART Station, meeting the City's share of regional housing needs; **(Larkspur's share of regional housing needs for the 2014-2022 RHNA cycle is just 132 units, not 920 units. This objective is overkill and is misleading about Larkspur's housing requirements);**

- Promote a walkable, livable and accessible environment and provide safe and comfortable connections for pedestrians and bicyclists within the area and between the major transit nodes; **(current policies are in place to achieve this objective without the SAP)**; and

- Identify mitigation measures to protect existing and new development from flooding and sea level rise, especially in the Redwood Highway Area; **(the Draft EIR doesn't identify any mitigation measures that are specific enough to meet CEQA requirements).**

p 396 [404] See comments in parentheses and boldface type that follow the objectives listed for the No Project Alternative.

"Implementation of the No Project alternative would not meet the following project objectives:"

- Increase and support transit ridership and reduce vehicle miles traveled; **(since there is inadequate evidence that the SAP will meet these Project objectives, there is no difference between the two alternatives here.)**

- Increase walking, bicycling, carpooling, carsharing, local transit and other transportation options for people in the area; **(the No Project Alternative can fulfill this objective by applying current Larkspur General Plan policies);**

- Promote a walkable, livable and accessible environment and provide safe and comfortable connections for pedestrians and bicyclists within the area and between the major transit nodes; **(the No Project Alternative can fulfill this objective by applying current Larkspur General Plan policies)**; and

- Identify mitigation measures to protect existing and new development from flooding and sea level rise, especially in the Redwood Highway Area; **(the Draft EIR doesn't identify any mitigation measures in the SAP that are specific enough to meet CEQA requirements).**

"Implementation of the No Project alternative would partially meet the following objectives, but not to the extent of the proposed Station Area Plan:"

- Increase the housing supply, particularly affordable housing near the SMART Station, meeting the City's share of regional housing needs; **(the City's share of regional housing needs is just 132 units, the great majority of which can be met by the No Project Alternative on Opportunity Site #5);**

- Locate key services and promote retail opportunities within and near the Plan area; **(there are already key services and ample retail opportunities within and near the Plan area).**

p. 397-398-399 [405-406-407] "The potential impacts associated with the No Project alternative are described below." See comments in parentheses and boldface type that follow the objectives listed in the Draft EIR for the No Project Alternative.

- "Land Use. The land use pattern that would develop under this alternative would be different than the one associated with implementation of the Station Area Plan. Development would only occur on Opportunity Site 5, resulting in significantly less residential development, approximately the same amount of hotel development, and less retail/office development."

  "Similar to the proposed project, this alternative would not result in any significant land use impacts. As with the proposed project, the No Project alternative would not include large-scale infrastructure projects that would divide an established community;" **(The proposed SAP Project would result in significant land use impacts and would include large-scale infrastructure projects that would divide an established community, so there is no similarity in this regard)**; "however, this alternative would not include the measures associated with the proposed project that would enhance mobility within the Plan area and create a more pedestrian-oriented environment." **(The No Project Alternative does not preclude the City of Larkspur from implementing current General Plan policies created to enhance mobility within the Plan 'Area and create a more pedestrian-oriented environment for the community that already exists.)** "Additionally, as with the proposed project, this alternative would not introduce new land uses which would result in an incompatible adjacent use. The No Project alternative would result in similar level of land use impacts when compared to the proposed project." **(Again, it's impossible to take this statement seriously, as the SAP Project would have huge land use impacts with its multiple four-story apartment buildings and five-story garage structure.)**

- "b. Transportation and Circulation. The No Project alternative would generate less traffic than the project due to the lower intensity of development. The Traffic Impact Assessment and Parking Report for 2000 Larkspur Landing Circle documented that development of the Sanitary District Site would generate approximately 100 new AM and PM peak hour trips. Therefore, implementation of the No Project alternative would result in fewer vehicle trips added to the roadway network compared to those proposed for the Station Area Plan. The No Project alternative would result in several impacts similar but less severe to those identified in Section IV.B, Transportation and Circulation, including impacts at #8 Sir Francis Drake Boulevard /Andersen Drive and #6 Sir Francis Drake Boulevard/Larkspur Landing Circle (West). The mitigation measures identified in the Larkspur Landing Circle study would be similar to those identified in Section IV.B. While the No Project alternative is expected to reduce the severity of impacts at #3 Sir Francis Drake Boulevard/Eliseo Drive or on US 101 compared to the Station Area Plan, it is unknown whether the traffic generated by this alternative would reduce the significant and unavoidable contribution to the transportation network or whether this impact would be considered less-than-significant." **(Agree.)**

"The No Project alternative would not improve existing pedestrian, bicycle, and transit facilities. The Station Area Plan proposes improvements to these facilities to minimize on-site potential conflicts between various modes, and provide safe and efficient pedestrian, bicycle, and vehicle connections between the Ferry Terminal, Larkspur Landing, and the surrounding circulation systems." (The No Project Alternative does not preclude the City of Larkspur from implementing the policies in its General Plan that would enhance mobility within the Project area and create a more pedestrian-oriented environment for the community that already exists there.) "The No Project alternative would not include the transportation demand management (TDM) program and vehicle trip cap which would be provided in the Station Area Plan to allow the City of Larkspur and County of Marin to monitor and manage vehicle traffic into and out of the Plan area." **(As indicated above, there is inadequate data to support that the proposed TDM program would achieve its goals in the Larkspur Landing area. Additionally, since implementation of the proposed TDM program in the SAP is perceived by many people to be an onerous feature, its elimination can be considered an advantageous impact of the No Project alternative.)**

- "c. Air Quality, d. Global Climate Change, e. Noise." (**These sections of the analysis claim that the No Project alternative would have the same impacts as the SAP alternative, which seems incomprehensible, as there are clearly significant impacts associated with the massive developments proposed in the SAP that do not exist with the No Project alternative.)**

- "f. Biological Resources. Implementation of the No Project alternative would likely result in a reduction of biological resources impacts when compared to the proposed project." **(Agree.)**

- "g. Geology, Soils, and Seismicity, h. Hydrology and Water Quality, i. Hazards and Hazardous Materials, j. Cultural Resources. Implementation of the No Project alternative would likely result in similar impacts when compared to the proposed project." **(Agree.)**

- "k. Public Services. Given the reduced level of development associated with the No Project alternative, there would be a corresponding reduced level of demand for public services. Under the No Project alternative, there would be only 126 residential units developed, resulting in 46 elementary/middle school students and 12 high school students added to the San Rafael City School District. This represents an over 80 percent reduction in the students generated by the No Project alternative when compared to implementation of the Station Area Plan. Similarly, the demand for fire protection services would be reduced, but a mitigation measure to address potentially inadequate levels of fire services would still be required. Given the general reduction in development associated with this alternative, the demand for school, fire and police services would be reduced when compared to the proposed project. The potential public services impact would be reduced when compared to the proposed project." **(Agree.)**

- "l. Utilities and Infrastructure. Given the reduced level of development associated with the No Project alternative, there would be a corresponding reduced level of demand for utilities. Water, wastewater and solid waste demand and generation would all be reduced under this alternative when compared to the proposed project. While the demand would be reduced, mitigation measures addressing adequate water supply and sewer infrastructure would still be required. This alternative would result in reduced utilities impacts when compared to the proposed project." **(Agree.)**

V. ALTERNATIVES

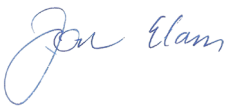
p 408 [416] "E. Environmentally Superior Alternative. CEQA requires the identification of the environmentally superior alternative in an EIR from among the range of reasonable alternatives that are evaluated. For this project, the No Project alternative would be considered the environmentally superior alternative as environmental impacts associated with the project would be reduced under this alternative. However, this alternative does not fully meet any of the objectives of the proposed project." **(We suggest that the SAP Project itself does not meet all its objectives, such as the very important objective to reduce GHG emissions, where the Project impacts are greater than for any alternatives.)**

"CEQA requires that if the environmentally superior alternative is the No Project alternative, the EIR shall also identify an environmentally superior alternative from among the other alternatives. Among the remaining alternatives, the No Ferry Terminal Development alternative would likely be considered the environmentally superior alternative. This alternative does not include development at the Ferry Terminal site, so any potential impacts associated with development at that site would be eliminated. While the Reduced Residential Development alternative would reduce residential densities, all

the opportunity sites would still experience impacts associated with development. The No Ferry Terminal Development alternative would result in reduced levels of biological resources impacts, public services impacts, and utilities impacts. However, while reducing these environmental impacts, the No Ferry Terminal Development alternative would not fully meet the objectives of the Station Area Plan. Not allowing further development of the Ferry Terminal site would inhibit the development of the Plan area as a transit node, a major theme and key objective of the Station Area Plan."

The EIR should be withdrawn, since the significant and unmitigable impacts of the Project, as well as all alternatives offered, are disruptive of the quality of life of local residents and have serious environmental consequences. The lack of data to support proposed mitigations and the apparent infeasibility of many of them are additional arguments in support of withdrawal. The SAP does not support many of its own objectives and creates new unmitigated problems. Both the Draft EIR and the SAP should be withdrawn.

Respectfully submitted,



Jon Elam, President