

## Summary of June 4th Meeting Larkspur city Officials

By Ed Yates

### Attendees

- Ann Morrison
- Larry Chu
- Dan Schwarz
- Neal Toft
- Bob Silvestri
- Joan Bennett
- Ed Yates

On behalf of Bob Silvestri and Joan Bennett and myself, thank you all for spending time with us on June 4<sup>th</sup> and answering our questions about the Larkspur Station Area Plan (LSAP) and the DEIR. I want to recap some of the points that were made at the meeting as I think they are relevant to your upcoming meeting on the 18th.

In response to our question regarding the origin of the approach to prepare a study or “vision” document for the LSAP and to not prepare a specific plan or general plan amendment, your group responded that you did not know the answer to that question. Mr. Toft reported that this approach was set out in the grant agreement contract with the MTC but none of you knew who had proposed this approach, nor knew the reasons why the City had initiated and pursued this strategy. The City’s decision document is found at this link. <http://www.ci.larkspur.ca.us/DocumentCenter/View/3697>

We asked *who* (staff, Planning Commission or City Council) decided to prepare a “program” EIR that would later be used for General Plan and project level CEQA compliance, but again we did not receive a definitive reply. We pointed out that the DEIR asserted that it could be later used for project level CEQA compliance despite the DEIR deferring most of the impact analysis and mitigation measures. When asked *why* such an approach was taken with CEQA, Mr. Toft replied that his understanding was that his predecessor had made this decision because it would enable the City to be able to use CEQA analysis for future decisions. We, of course, disagree with that assumption.

Ms. Morrison asked why it mattered what past decisions were or who made them. We pointed out that such planning processes were not consistent with the normal state planning process set out in the Government Code. Instead, area plans like the LSAP should be the subject of a specific plan process or a General Plan amendment. We also replied that the DEIR’s assertion that it could use the incomplete CEQA analysis in the DEIR later at a general plan amendment or project approval level was contrary to what CEQA actually requires. Given that the LSAP and CEQA approaches are so far out of the mainstream and that its stated reasons for pursuing this approach were not consistent with state law or the Larkspur General Plan, we replied that knowing who initiated this strategy would assist us in determining what the true origins of LSAP were.

Mr. Silvestri noted that a similar process and proposal had been made for the Miller Avenue Precise Plan in Mill Valley and that proposal had been similarly questioned and vigorously opposed. Mr. Silvestri concluded that the project was abandoned (the City Council voted to “stop the process”) and the City and its officials did not suffer from that decision.

Ms. Bennett pointed out that what Larkspur does regarding density has a significant impact on neighboring communities and that Ms. Bennett in her community leadership roles had received 1000s of emails on this topic, some suggesting an initiative to permanently overturn the LSAP and some suggesting recall of City officials.

We also pointed out that contradicting and inaccurate statements were being made in email and guest editorials by City officials. For instance, Mr. Chu had asserted that that Larkspur must identify housing sites near public transit, that that the City must use a “special meeting” to address the LSAP and that businesses items at City Council meetings could avoid public comment. We pointed out that Mr. Chu’s interpretation of state law, including the Brown Act were inaccurate and that it might help if Larkspur City officials consulted with their City Attorney before disseminating legal analysis.

We reiterated our belief that the City would be best served if the City were to completely shelve the LSAP and the DEIR and start anew on a process that addressed what the citizens of Larkspur and Central Marin were concerned about – relief of traffic, parking and transportation congestion. We noted that the data gathered for the LSAP and DEIR could be used in such efforts but that use of the DEIR for legal compliance would not comply with CEQA.

Mr. Toft said that it should be noted that the City of Larkspur had not approved any new housing in recent years that had contributed to the recent congestion but that the congestion was due to population growth and development of other areas. We mentioned that given those existing conditions, that unfortunately, LSAP proposals could worsen that problem.

We also asked whether the City had been pressured by the MTC, TAM or other regional agencies into approving increased density in order to receive future transportation funds. We did not receive an answer but Ms. Morrison responded that she was convinced the City would not succumb to any pressure. However, the City agreed to an MTC contract for the LSAP and DEIR that has created a conundrum for the City regarding CEQA compliance and complying with the contract terms.

Mr. Silvestri and I noted that Federal and state agencies, such as MTC were indeed engaged in placing pressure on cities and counties to approve density in exchange for future consideration of transportation funding. We pointed out that such pressure and promises were possibly contrary to state and Federal law and we offered assistance to the City in: 1) pushing back on these agencies and 2) attempting to gain state and federal funding without the urbanization that is clearly so anathema to residents of Central Marin.