

ORDINANCE NO. 972

**AN ORDINANCE OF THE CITY OF LARKSPUR AMENDING THE PRELIMINARY DEVELOPMENT PLAN APPROVAL (ORDINANCE NO. 962), APPROVING THE PRECISE DEVELOPMENT PLAN FOR CLASP SUBAREA 3, THE ROSE GARDEN PROJECT, AT 2 WARD STREET (AKA THE NIVEN NURSERY SITE) AND APPROVING A NUMBER OF RELATED PROJECT APPLICATIONS**

---

**WHEREAS**, application has been made by Larkspur Housing Partners, Inc. to demolish the existing facilities at 2 Ward Street (aka the Niven Nursery site) and construct a mixed-residential for-sale development project including 29 single-family detached units, six cottage style units, and 50 senior units comprised of six multi-family buildings (42 units) and eight cottage style units; and

**WHEREAS**, the Project is in Subarea 3 of the Central Larkspur Specific Plan (CLASP), for which the City Council certified an Environmental Impact Report by Resolution No. 46/06 on September 20, 2006 (incorporated herein by reference). The CLASP EIR identified significant impacts from development of the CLASP area, some of which could not be mitigated to less than significant. Upon approval of the CLASP and related General Plan amendments, the City Council adopted mitigations, a mitigation monitoring program, and a Statement of Overriding Considerations (Exhibit A of Resolution No. 46/06); and

**WHEREAS**, on July 18, 2008, the City Council approved a Mitigated Negative Declaration (2007 MND) for the Preliminary Development Plan for CLASP Subarea 3, the Rose Garden Project, and approved the Preliminary Development Plan for the Project (Resolution No. 962 incorporated herein by reference); and

**WHEREAS**, the proposed Rose Garden development project consists of the following applications: Preliminary Development Plan amendment/exceptions, Precise Development Plan (including an excavation/fill permit), tentative map, design review, use permit for senior housing, circulation assessment permit, archaeological investigation permit, heritage tree removal permit, and development agreement. These applications are in City File No. 08-54 and are collectively referred to as the "Project"; and

**WHEREAS**, the City prepared two CEQA Addendums to the CLASP EIR and the 2007 MND; and

**WHEREAS**, Planning Commission staff reports dated June 23, 2009 and December 8, 2009, incorporated herein by reference, analyzed the Project and recommended adoption of the CEQA Addendums and approval of the applications subject to conditions of approval; and

**WHEREAS**, on June 23 and 25, July 7, and December 8, 2009, the Planning Commission held duly noticed public hearings to consider the two CEQA Addendums, the Rose Garden development project applications, and all related written materials and oral comments before taking action on the applications. The Planning Commission used their independent judgment to vote to recommend approval of the two addendums and the applications subject to development standards and conditions of approval (Resolution Nos. 04/10 and 05/10, incorporated herein by reference); and

**WHEREAS**, on January 20, 2010 the City Council held duly noticed public hearings to consider the two addendums, the Rose Garden development project applications, the Planning Commission's recommendation, and all related written materials and oral comments before taking action on the applications using their independent judgment; and

**WHEREAS**, following the public hearing on January 20, 2010, the City Council adopted Resolution No. 04/10 adopting the two CEQA Addendums and a Statement of Overriding Considerations for the Project, which resolution is incorporated herein by reference; and

**WHEREAS**, the City Council has concurrently reviewed and considered Resolution No.05/10, which is incorporated herein by reference.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LARKSPUR DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The property in question is that 16.8-acre real property situated in the City of Larkspur, County of Marin, State of California and commonly referred to as the Niven Nursery site or Subarea 3 of the Central Larkspur Specific Plan (See Exhibit A, attached). The site address is 2 Ward Street (APN 022-110-45). It is bounded on the north by Doherty Drive and on the east and south by Larkspur Creek. The former railroad right-of-way and the Larkspur Plaza border the site on the west.

**SECTION 2.** In accordance with the provisions of Chapter 18.55, et al. of the Larkspur Municipal Code, the Preliminary Development Plan Amendment/Exceptions, Precise Development Plan (including an excavation/fill permit), tentative map, design review, use permit for senior housing, circulation assessment permit, archaeological investigation permit, and heritage tree removal permit, are hereby approved subject to the findings outlined in Resolution No. 05/10, incorporated herein by reference, and development standards and conditions of approval in Exhibit B, attached.

**SECTION 3.** Relation to Ordinance 962. This Ordinance amends the Preliminary Development Plan approval through Ordinance 962, and approves a related Precise Development Plan and other applications as set forth herein. In the event of conflict between the provisions of Ordinance 962 and this Ordinance, including attached Exhibits A, B, and C, this Ordinance shall control.

**SECTION 4.** Attachments:

- (a) Exhibit A, attached hereto, being the legal description of the property in question, is adopted by reference as though fully set forth herein;
- (b) Exhibit B, attached hereto, being the development standards and conditions of approval, is incorporated by reference as though fully set forth herein;
- (c) Exhibit C, attached hereto, being the project plans, is adopted by reference as provided for in Exhibit B and as though fully set forth herein.

**SECTION 5.** The City Council of the City of Larkspur hereby declares that it would have passed this ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions of this ordinance are severable and, if for any reason any sentence, paragraph, or section of this ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this ordinance.

**SECTION 6.** This ordinance shall be posted in three (3) public places within the City of Larkspur within fifteen (15) days after adoption and shall be effective thirty (30) days after final adoption.

\*\*\*\*\*

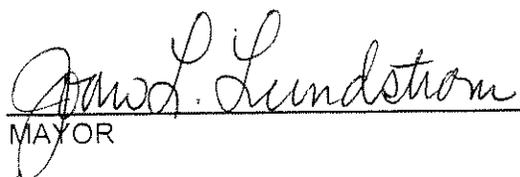
**IT IS HEREBY CERTIFIED** that the foregoing ordinance was introduced at a regular meeting of the Larkspur City Council held on the 20<sup>th</sup> day of January, 2010 and thereafter passed and adopted at a regular meeting of the Larkspur City Council held on the 17th day of February, 2010 by vote:

AYES: COUNCILMEMBER: Hartzell, Hillmer, Lundstrom, Rifkind

NOES: COUNCILMEMBER: None

ABSTENTIONS: COUNCILMEMBER: None

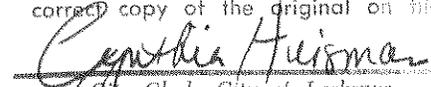
ABSENT: COUNCILMEMBER: Chu

  
MAYOR

ATTEST:

  
CITY CLERK

The within instrument is a true and correct copy of the original on file

  
City Clerk, City of Larkspur

## ORDINANCE NO. 972

### EXHIBIT A LEGAL DESCRIPTION

The land referred to is situated in the County of Mann, City of Larkspur, State of California, and is described as follows:

#### PARCEL ONE:

BEGINNING at a stake on the Easterly line of the right of way of the Northwestern Pacific Railroad, which point is further described as bearing North 12° 14' 30" West 370.64 feet from a fence post on the corner common to the acre piece of the Northwestern Pacific Railroad Station as the same is described in a Deed recorded in Book 184 of Deeds, at Page 136 Marin County Records, and the Lands of Coleman-Forbes Estate, said bearing and distance being measured along aforesaid Easterly line of said right of way; thence along said Easterly line, North 12° 14' 30" West 583.94 feet to the true point of beginning; thence leaving said Easterly line and running along the Northerly boundary of the parcel described in a Deed from Inez Niven to Harold Reid, et al., and recorded December 31, 1965 in Book 2013 of Official Records, at Page 170, Marin County Records, North 73° 41' 10" East 765.41 feet and thence North 76° 09' 22" West 311.31 feet to the Westerly line of the lands Deeded to the Tamalpais Union High School District by a Deed recorded in Book 422 of Official Records, at Page 218, Marin County Records, which point also lies on the Easterly boundary of Parcel Five as described in the Decree of Final Distribution No. 14511 of the Estate of George Niven, deceased, recorded June 1, 1965, Marin County Records; thence leaving said Northerly boundary and running along said Easterly boundary of said Parcel Five, North 30° 11' 00" West (called North 0° 34' 57" West in said Deed to Reid, 2013 O.R. 170) 198.392 feet to a point which bears South 3° 11' 00" East 74.463 feet from Tide Land Station 119, as referred to in a Deed to Joseph Varsi, et ux., recorded in Book 190 of Official Records, at Page 310, Marin County Records; thence leaving said Easterly boundary of said Parcel Five and running along the Easterly, Northerly and Westerly boundaries of Parcel Four of said Decree of Final Distribution No. 14511 the following courses and distances; North 3° 11' 00" West 74.463 feet to said Tide Land Station 119; thence North 3° 11' 00" West 95.90 feet; thence North 2° 05' 00" East 248.55 feet to a point on the Southerly line of a right of way 60 feet in width and presently called "Doherty Drive"; thence along said Southerly line of said "Doherty Drive" North 87° 55' 00" West 658.51 feet and thence North 89° 58' 00" West 19.70 feet to a point that bears North 19° 45' 00" West 10.76 feet from Station 96 of the Final and Official Survey of the Rancho Punta De Quentin; thence continuing along said Southerly line, due West 184.717 feet; thence leaving said Southerly line~ South 2° 05' 00" West 214.825 feet to the Westerly boundary of lands conveyed to George Niven, et.al., by Deed recorded in Book 336 of Official Records, at Page 380, Marin County Records; thence along said Westerly boundary (336 O.R. 380) South 39° 57' 00" East 128.715 feet and thence South 49° 09' 00" East 126.60 feet to the Southeasterly corner of the lands conveyed to R.C. Doherty by Deed recorded in Book 115 of Official Records, at Page 353, Marin County Records, from which point a 2" x 2" stake bears North 49° 16' 00" West 34.48 feet and South 76° 26' 00" West 2.34 feet; thence leaving said Westerly boundary (336 O.R. 380), and also leaving said boundaries of said Parcel Four and running along the Northerly and Westerly boundary of Parcel Three of said Decree of Final Distribution No. 14511 the following courses and distances; South 76° 26' 00" West 408.12 feet to a point that lies 10.00 feet Easterly of (measured at right angles) said Easterly right of way of the Northwestern Pacific Railroad and from which a 2" x 2" stake bears North 12° 14' 30" West 28.00 feet and South 76° 26' 00" West 3.60 feet; thence South 12° 14' 30" East parallel to and 10.00 feet Easterly of (measured at right angles) said Easterly line of said right of way 326.23 feet; thence South 77° 45' 30" West 10.00 feet to a point on said Easterly line of said right of way from which the Northwesterly corner of the lands conveyed by Union Trust Company, et al., to James Niven by Deed recorded in Book 13 of Official Records, at Page 146, Marin County Records, bears North 12° 14' 30" East 326.00 feet along said Easterly line of said right of way and thence along said Easterly line of said right of way, South 12° 14' 30" West 89.63 feet to the Southwest corner of said Parcel Three, from which point a 2" x 2" stake bears North 71° 30' 00" East 6.40 feet; thence leaving said boundaries of said Parcel Three and running along the common boundary of said Easterly right of way of the Northwestern Pacific Railroad and Parcel Six Part A, of said Decree of Final Distribution No. 14511, South 12° 14' 30" West 79.14 feet to the true point of beginning.

EXCEPTING THEREFROM that portion conveyed in the Quitclaim Deed executed by Inez Niven, et al., to Nellie Doherty, recorded December 31, 1970 In Book 2426 of Official Records, at Page 525, Marin County Records.

ALSO EXCEPTING THEREFROM that portion thereof described In the Deed from Inez Niven, et al., to the City of Larkspur, recorded December 22, 1969 In Book 2346 of Official Records, at Page 277, Marin County Records.

ALSO EXCEPTING THEREFROM Parcels One and Two as shown upon Parcel Map entitled, "Lands of Irving Group, LLC, Larkspur, as described in Document No. 89-045986, Marin County Records," filed for record January 5, 1996 In Book 25 of Parcel Maps, at Page 97, Marin County Records.

PARCEL TWO:

THAT CERTAIN REAL PROPERTY lying Southeasterly of the courses delineated as North 73° 24' 30" East 257.912 feet and North 75° 11' 25" East 116.012 feet and Northeasterly of the course delineated as North 32° 12' 20" West 242.93 feet on that certain Map entitled, "Record of Survey of a portion of Lands of Doherty and Niven", Larkspur, Marin County, California, filed for record in Book 9 of Official Surveys, at Page 66, Marin County Records.

PARCEL THREE:

NON-EXCLUSIVE EASEMENT or right of use of drainage ditch, as described in the instrument entitled, "Grant of Drainage Easement" executed by Nellie Doherty to Inez Niven, et al., recorded December 31, 1970 in Book 2426 of Official Records, at Page 521, Marin County Records.

A.P.N.: 022-110-45

ORDINANCE NO. 972

EXHIBIT B  
CLASP SUBAREA 3, THE ROSE GARDEN

AMENDMENT/EXCEPTIONS TO THE PRELIMINARY DEVELOPMENT PLAN,  
PRECISE DEVELOPMENT PLAN (INCLUDING EXCAVATION/FILL PERMIT),  
TENTATIVE MAP, DESIGN REVIEW, USE PERMIT FOR SENIOR HOUSING,  
CIRCULATION ASSESSMENT PERMIT, ARCHAEOLOGICAL INVESTIGATION  
PERMIT, AND HERITAGE TREE REMOVAL PERMIT

DEVELOPMENT STANDARDS AND  
CONDITIONS OF APPROVAL

The following development standards and conditions of approval are revised from the Preliminary Development Plan, Ordinance No. 962, to reflect the amended Preliminary Development Plan, the Precise Development Plan, design review, use permit, circulation assessment permit, archaeological investigation permit and the heritage tree removal permit for the CLASP Subarea 3, The Rose Garden project. In the event of conflict of Ordinance No. 962 and the provisions of this exhibit, including but not limited to development standards and conditions of approval stated herein, the provisions of this exhibit shall control.

The document is separated into "Development Standards" (i.e., basic standards of development such as use, setbacks, height, parking, etc.) and Conditions of Approval. The conditions of approval are listed by topic areas. There are multiple permit applications and some conditions of approval apply to all the applications and some are more specific to certain applications (e.g., conditional use permit, circulation assessment permit, tentative map). Each condition and, where appropriate, each standard, includes the timing of the condition and, where appropriate, the specific application it applies to.

DEVELOPMENT STANDARDS

**1. Purpose of P-D District**

- a. To provide an attractive development along Doherty Drive on the former Niven Nursery site.
- b. To provide flexibility that would allow the development of Central Larkspur Specific Plan (CLASP) Subarea 3 as a predominantly low-density residential neighborhood with a mix of housing types and clustered density that would meet a range of housing needs in the community.
- c. To promote development of below-market rate housing in a variety of housing types.
- d. To protect environmental resources and provide community open space by allowing the clustering of portions of the development.

**2. Regulations Established.** For purposes of complying with Larkspur Municipal Code (LMC) Section 18.55.020 (3), the uses and standards proposed for the Rose Garden Planned Development District are deemed to be most similar to the standards for Subarea 3 of the Central Larkspur Specific Plan (CLASP), except where exceptions to those standards have been included within the Preliminary Development Plan approval. For standards not included in the CLASP, the LMC Chapter 18.20, R-1 Zoning District, standards apply to the cottage homes, including the senior cottages, and the single-family detached dwellings, and the LMC 18.32, R-3 Zoning District, standards apply to the senior multi-family housing units, except that the R-3 floor area ratio standard apply to the entire senior housing complex.

**3. CLASP Policies and Standards.** Except as may be specifically provided for herein as an exception or as may be amended through the project adoption process, the project shall comply with all CLASP (dated September 20, 2006) policies and standards applicable to Subarea 3. (Note: As with all Zoning Ordinance regulations, all development standards are absolute minimums and maximums depending on the standards.)

**4. Permitted Uses.** The following uses are permitted or, as noted, conditionally permitted in the Rose Garden Planned Development District:

- a. 85 residential dwelling units of mixed residential densities comprised of 6 cottage style homes, 29 single-family detached homes, and 42 multifamily senior housing units and 8 cottage style senior units subject to approval of a conditional use permit. At least 20% of the units shall be affordable to individuals and families earning less than 120 percent of the County's median income pursuant to LMC Chapter 18.31 and Ordinance No. 962, approving the Affordable Housing Alternative Equivalent Action.
  - b. Residential second units, subject to the provisions of the Rose Garden Precise Development Plan and LMC Chapter 18.21.
  - c. Accessory structures and uses (including home occupations) pursuant to the regulations of LMC Chapter 18.
  - d. Cultural/civic uses or facilities on public lands and/or within public facilities.
  - e. Public parks and playgrounds.
  - f. Recreation, refreshment and service buildings serving the public park use within the Community Facility Parcel A
  - g. Senior housing with approval of a use permit.
  - h. Group homes, handicapped and non-handicapped.
  - i. Day care home, small.
- 5. Use Permit for Senior Housing.** A use permit for senior housing, pursuant to CLASP Appendix C, is approved subject to the provisions outlined in the applicant's Conditional Use Permit: Statement of Required Findings/Description of Proposed Use (Tab 6 of Precise Development Plan Application Documents for The Rose Garden, May 12, 2009), and the conditions listed below:
- a. **Use Restriction.** The land, that is Parcel D of Tentative Map Sheet TM 9 (dated revised 2/6/09) shall not be used for any other purpose other than senior housing unless the Planning Commission determines that the alternate use satisfies all applicable land use regulations pertaining to the underlying classification of land. LMC Chapter 18.76 is the use permit process chapter of the Zoning Code.
  - b. **Universal Design.** Universal design shall be used in all housing units to facilitate use by persons with disabilities.
  - c. **Parking.** The CLASP requires a minimum of 0.9 spaces per unit; however, pursuant to the approved Precise Development Plan a minimum of 1.5 off-street parking spaces shall be provided per unit. All, except the guest parking, shall be assigned to particular units; no parking spaces shall be rented to non-residents of the senior complex.
  - d. **Senior Citizen Housing Exclusively.** Prior to final inspection, the project applicant shall provide documentation limiting the use of the project to senior citizen housing exclusively, subject to the Senior Housing Development Standards outlined in Appendix C of the CLASP and the conditions listed above, and vesting the City the right to enforce such limitation until and unless it determines that any proposed alternate use complies fully with regulations pertaining to the underlying regulations as provided for in the CLASP. Such documentation may consist of a final subdivision map or parcel map dedication, covenants, conditions, and restrictions pertaining to the project or a recordable use restriction. Any such documentation shall be in form satisfactory to the City Attorney.
  - e. **Roof Access.** Prior to issuance of a Building Permit, building permit plans shall be reviewed and approved by the Fire Chief to ensure that all roofs within the senior development will be accessible, in case of fire. Firefighters must be able to access any point on the roofs without the use of additional portable ladder(s) as approved by the Fire Chief (e.g., stairs or permanent ladder placement.).
- 6. Affordable Housing Component.** The project shall include the following breakdown of affordable units (see Tab 10 of the applicants' submittal):
- Of the 42 senior housing units – 5 for-sale units (2 low and 3 moderate-income households; mix of one, two and three bedroom units)
  - Of the 8 senior cottage homes – 3 for-sale units

(1 low and 2 moderate-income households; mix of one, two and three bedroom units)

- Of the 6 cottage homes – 6 for-sale units (3 low and 3 moderate-income households; mix of one, two and three bedroom units)
- Of the 29 single family detached homes – 6 for-sale homes would have second dwelling units (6 units; rentals: 3 very-low and 3 low income households)

a. **Affordability Targets.** The affordability targets within the income levels, for all affordable units, shall be consistent with that established by the Marin Housing Authority, as the City's contracting agency for the management of affordable units. Prior to approval of a Final Map, specific provisions for establishing and regulating the affordable housing units shall be approved by the City and the Marin Housing Authority through agreements approved by the attorneys for both agencies. **(Tentative Map Condition)**

b. **Second Units.** Consistent with the approved Alternative Equivalent Action, the six-second units shall be restricted to affordable rental use, if rented. The second units are shown to be located on Lots 1, 3, 5, 8, 12, and 21 of the single family detached dwelling portion of the project.

(1) The location and design of the second units are approved as part of the Precise Development Plan and design review approvals subject to the Development Standards outlined above (e.g., FAR, setbacks and height limits).

(2) Each second unit shall have a utility meter separate from the main dwelling unit.

(3) Where a second unit is attached to a main dwelling unit by a common wall, there shall be soundproofing between the units as recommended by a professional acoustical engineer. At the time of application for a Building Permit, the applicant shall submit the recommendations of an acoustical engineer. Recommendations of the acoustical engineer shall be incorporated into the building permit plans.

(4) The second units shall be subject to the provisions of LMC Chapter 18.21.

7. **Building Height Limits and Skyline Protrusions.** Except as provided for in LMC 18.16.090 Height Limits, no building or structure shall exceed the height limits and skyline protrusion standards as outlined in CLASP Policies D-56 and D-57, which provide the height limits listed below. For this development, an exception to the definition of "Height, Building" per LMC Section 18.08.295 is provided to allow the height of structures to be measured from the finished grade as established at the time of the final subdivision grading and the final building inspections for the initial subdivision construction. Construction after that shall be subject to the definition as set forth in LMC 18.08.295. (Note: Reference to plan areas refers to those shown on Precise Development Plan Summary Data, Plan Date/Site Data, Sheet A0.02, dated December 22, 2008):

Single-Family Dwellings-Rose Garden Homes Area:	30 feet
Cottage Homes-The Cottages at Rose Garden & The Cottages at Regent:	25 feet
Multifamily Housing-Regent on Rose Lane:	35 feet
Accessory Structures with Second Units above:	25 feet
Accessory Structures:	15 feet
Skyline Protrusion standards – see CLASP Standards D-42 and D-46.	

## 8. Floor Area Ratio.

### a. Single-Family Detached Dwellings.

(1) Floor area ratios (FAR) for the single-family detached homes shall be as shown for Cottages at Rose Garden and the Rose Garden Homes on Precise Development Plan Summary Data, Plan Date/Site Data, Sheet A0.02, dated December 22, 2008 except for the FAR for Lot #2. Per the direction of the Planning Commission, the FAR for Lot #2 may be increased, without increasing the size of the proposed home, in order to reduce the lot area to

provide for up to two parking spaces at the rear of the lot along the private drive for the cottages.

(2) The FAR restrictions include an exception for Lots 8, 12, and 21 to LMC Section 18.35.040 maximum FAR standard of 0.40.

(3) With regards to future additions, no FAR exception process shall be allowed. For the those lots that do not exceed 7,500 sq. ft. in area (i.e., Lots 18 and 20) the maximum allowable FAR shall be 0.40, and for those lots that exceed 7,500 sq. ft. in area the maximum FAR shall be equal to the FAR as shown on Sheet A0.02. and listed below.

*Single-Family Detached Dwellings*

<u>Lot #</u>	<u>Lot Area (sf)</u>	<u>FAR</u>	<u>Lot #</u>	<u>Lot Area (sf)</u>	<u>FAR</u>
1*	10,889	0.40	16	10,852	0.39
2**	8,268	0.40	17	8,316	0.37
3*	9,382	0.39	18	7,392	0.37
4	10,139	0.39	19	10,106	0.38
5*	6,510	0.40	20	7,392	0.37
6	6,982	0.39	21*	9,961	0.43
7	6,982	0.39	22	13,344	0.31
8*	8,550	0.43	23	11,197	0.30
9	6,982	0.39	24	12,229	0.34
10	7,752	0.40	25	11,070	0.30
11	6,982	0.39	26	11,672	0.33
12*	8,550	0.43	27	12,458	0.34
13	7,899	0.40	28	11,028	0.30
14	6,008	0.40	29	12,418	0.34
15	8,285	0.38			

\* Includes Second Unit per Approved Affordable Housing Alternative Equivalent Action.

\*\* The FAR for Lot #2 may be increased to 0.40 to allow for up to two parking spaces along the private driveway to the cottages; it is not to allow an increase in house size (i.e., the lot reduction to allow for the parking space will increase the FAR for the lot with the proposed home.).

b. **Cottage Homes.** For the Cottage homes, the maximum allowable home size shall be equal to the home size shown on Sheet A0.02, and as listed below:

*Cottages*

<i>Lot #</i>	<i>Lot Area (sf)</i>	<i>Home Size</i>
30	3,608	1,236
31	4,646	1,250
32	3,662	1,236
33	3,908	1,250
34	4,126	1,236
35	7,052	1,156

c. **Senior Housing Complex** (Multifamily Buildings together with Senior Cottages). The FAR for the senior housing complex shall not exceed 0.60 FAR.

9. **Lot Sizes.** The lot sizes shall be as shown on Precise Development Plan Summary Data, Plan Date/Site Data, Sheet A0.02, dated December 22, 2008, and as listed above under Development Standard #8a above, except for the noted change to Lot #2 to accommodate the parking spaces on the private driveway. The minimum lot size for single-family detached dwellings shall not be less than 6,000 sq. ft.

10. **Setbacks and Lot Coverage.** Setbacks and lot coverage shall be as shown on the approved plans, and consistent with CLASP Policies D-52, 54, and 55 except as follows:

- a. **Rear Yard Setback for Senior Cottage Homes.** A minimum distance of 30 feet shall be maintained between residences that back onto each other rather than the 40' distance required under CLASP Standard D-39.
- b. **Rear Yard Setback for Accessory Garage/Second Unit on Lot 3.** The minimum required rear yard setback for the accessory garage/second unit on Lot 3 shall be 11' rather than the 25' required under CLASP Standard D-33.
- c. **Rear Yard Setback for Lot 2.** The required rear yard setback for Lot 2 shall be reduced to the minimum extent necessary to accommodate the two on-street parking spaces along the private driveway serving the Cottages.

**11. Architectural Protrusions into the 50' Creek Setback.** Consistent with Larkspur Municipal Code Section 18.16.110. B, ordinary architectural features may project into the 50' building and impervious surface setback up to three feet. Projections that have contact with the ground and create an impervious surface shall not be allowed.

**12. Parking Spaces.**

a. **Off-Street**

- (1) All aisles and parking stalls shall be designed in accordance with LMC Chapter 18.56.
- (2) Parking shall be provided in accordance with the Policy T-33 of the CLASP with an exception to allow tandem parking for the cottage homes on Lots 30, 32, and 34, which is approved by the Planning Commission through this design review approval.
- (3) Two standard sized on-street parallel parking spaces shall be added at the rear of Lot 2 along the private driveway serving the Cottages.
- (4) Pursuant to the approved plans, the Senior Housing Condominiums shall provide a total of 65 parking spaces (1.5/unit) of which 53 shall be covered and 12 shall be non-assigned guest spaces.
- (5) The Senior Cottages shall be provided a total of 23 parking spaces of which 13 shall be covered and eight are driveway apron spaces, all of which are assigned to particular units, and two shall be non-assigned guest spaces.

b. **On-Street**

- (1) Parking shall be prohibited along the east side of Camellia Circle along the natural resource buffer area and shall be indicated by the painting of the curb red and/or with signage as determined by the Public Works Director and maintained by the HOA. Public parking shall only be allowed on the west side of the Circle in that location.

**12. Signs.** Signs shall be permitted only in accordance with Chapter 18.60 of the City of Larkspur Municipal Code.

**13. Lighting.** All exterior lighting shall be down lit and shielded from adjacent properties so that off-site glare is limited to not more than one-foot candle at the property line.

**14. Fencing.** Fencing shall be permitted only in accordance with the Precise Development Plan Landscape Plans, Sheets L0.0 – L0.5, L1.1 HOA – L1.5 HOA, L1.1 – L1.7 SFD, L1.1C and L2.1C, L1.1 R – L2.2 R, and L3.1 – L3.5, dated 5/12/09 and Chapter 18.16.090.C of the City of Larkspur Municipal Code except for the following requirements:

- a. Street side yard fences on corner lots and along Ward Street shall be setback 10' from the back of sidewalk (i.e., the property line).
- b. Gating of the subdivision, senior complex, or individual home driveways shall not be permitted, except as required by law (e.g., fencing around pool) or for the security of individual buildings within the senior complex.
- c. The entry to the site from the former railroad right-of-way shall be enhanced so that the fencing visually disappears at that location by terminating in a more entry fashion or eliminating the fence prior to it reaching the pathway. A small landing or resting place could be incorporated into this location to further enhance it as an entryway. (See details provided on Sheet L-1, 1 of 3, prepared by Environmental Foresight, Inc., Attachment 7 to 12/8/09 PC Staff Report.)
- d. The fence along the western border of the senior housing development shall be constructed of black metal and shall be setback from all trees to be preserved (see detail 2, Page L3.3 of Precise Development Plan set).

- e. A solid wood fence with shrubs and vines shall be planted along the northern property line of the senior complex on each side of the grocery building to provide a visual and sound barrier to the grocery docks and refuse areas. The solid wood fence shall turn to the north (outside the vision triangle at Camellia Circle and Rose Land) and continue to the potential entry drive to Larkspur Plaza. The solid wood fence shall replace the metal tubular fence shown in the application submittal at this location.
- f. A row of trees reaching up to 30' in height shall be planted as a screen along the northern property line of the senior complex at the rear of the grocery building to provide a visual buffering of the building wall.
- g. The fencing along the rear of Lots 1 and 2 shall be articulated and located so as to allow for a landscaped strip between the parking and the fence; two parking spaces shall be incorporated along the private driveway along the fencing/landscaping. (See detail provided on Sheet L-2, 2 of 2, prepared by Environmental Foresight, Inc., Attachment 7 to 12/8/09 PC Staff Report.)
- h. There shall be no fencing at the end of the private driveway for the cottage style homes adjacent to Parcel A. (See detail provided on Sheet L-2, 2 of 2, prepared by Environmental Foresight, Inc., Attachment 7 to 12/8/09 PC Staff Report.)
- i. The fencing to protect the natural resource buffers, along both reaches of the creek, shall be of the same materials (i.e., wood framing and wire mesh) and color as shown on Plan Sheet L.3.4 dated 5/12/09.
- j. The fencing on Lot 4 at the corner of Doherty Drive and Camellia Circle shall be as shown on Plan Sheet L.1.1 SFD and L.1.5 SFD dated 5/12/09.
- k. The picket fencing along Doherty Drive shall be constructed of wood.

**15. Creek and Buffer Areas.** Prior to the recordation of a Final Map, documents shall be reviewed and approved by the City establishing that the Master Homeowners Association shall have maintenance easements and control over all of the creek and buffer areas included within the Project site, whether owned in fee by individual homeowners (in the case of the single family) or by the Senior Condominium Association (in the case of the senior complex). The provisions of the easement shall ensure that there will be continuity and consistency of maintenance and preservation of the creek and the natural resource buffer area. The natural resource buffer areas (i.e., the 50 foot strip from the top of the bank on the north/south reach of the creek and the 25 foot strip from the top of the east/west reach of the creek) shall be fenced to prevent human and/or pet intrusions. No building or impervious surface may be located closer than 50 feet to the top of the creek bank. **(Tentative Map Condition)**

**16. Streetscape and HOA Common Area Details.** (See also Fencing above and Pedestrian/Multi-Use Paths & Pocket Park below).

- a. Streetscape shall be developed consistent with the Precise Development Plan Landscape Plans, Sheets L0.0 – L0.5, L1.1 HOA – L1.5 HOA, L1.1 – L1.7 SFD, L1.1C and L2.1C, L1.1 R – L2.2 R, and L3.1 – L3.5, dated 5/12/09, and Tabs 5 (Architectural Cross Sections–Development Standards #13) and 8 (Traffic Study –Doherty Drive by Fehr & Peers) of Precise Development Application Documents for The Rose Garden, dated May 12, 2009, which included typical detailed cross-sections, including colored renderings, that show the entire right-of-way and adjacent structures, i.e., drive aisles, on-street parking, landscaping, sidewalks or pathways, and the front edge of adjacent structures.
- b. Parcel B, as shown on Tentative Map Sheet TM 5 dated 2/6/09, shall be maintained by the Master Homeowners Association for purposes of landscaping and storm drainage retention and infiltration. To the extent the drainage facilities are utilized for Parcel A, Community Facility Site, the City shall fund its pro-rated share of the maintenance costs.
- c. The traffic calming measures shall be installed as shown where multi-use paths cross roadways.
- d. Crosswalk paving shall be consistent with ADA standards  
**(Tentative Map Condition – Improvement Plans)**

**17. Pedestrian/Multi-Use Paths and Pocket Park.**

- a. Pedestrian and multi-use connections, meeting ADA standards, shall be provided throughout the development and as connections to and from adjacent properties as shown on Precise Development Plan Civil Sheets C4 – C-9, dated revised 2/6/09, and approved by the City's Park and Recreation Commission (see also Development Standard #13).
- b. The design of the site entry at the former railroad right-of-way shall be enhanced pursuant to the fencing standards noted above. The old railroad concrete stairs shall be retained.
- c. A Pocket Park shall be provided as shown on Precise Development Plan Civil Sheet C7, dated revised 2/6/09, and Landscape Plan L1.4 HOA, dated 5/12/09.

**(Tentative Map Condition—Improvement Plans)**

- 18. Trash/Recycling.** For the senior condominium buildings, trash chutes and container storage areas shall be provided in the inner walk areas between buildings of the senior condominiums. For the senior cottages, refuse/recycling enclosures shall be provided for each unit or a common area refuse/recycling area that is easily accessible from each cottage shall be provided. For the cottage style units, refuse/recycling areas shall be shown on the building permit plans. Prior to the issuance of Building Permits, the applicant shall provide a letter from the refuse company indicating that the refuse/recycling pickup areas are acceptable and these shall be shown on the Building Permit plans.

**19. Plan/Standard Modifications**

- a. Building and site modifications shall be governed by the CLASP, Preliminary and Precise Development Plans (see Development Standards including exceptions above), and the respective R-1 and R-3 zoning district standards as they relate to setbacks, accessory buildings, height, and parking.
- b. The Planning Director is authorized to approve minor modifications to the project (e.g., minor modifications to windows that do not impact adjacent homes or properties).
- c. The Zoning Administrator shall have the authority, pursuant to LMC Sections 18.06.020 D. and 18.64.020.B., to:
  - (1) Grant minor modifications to a Precise Development Plan relative to site improvements for parking and pedestrian/vehicular safety, if approved by the Public Works Director, and
  - (2) For building modifications, that may affect lot coverage, floor area ratio, usable outdoor area requirements, landscaping, and façade changes, LMC Section 18.64.020.B. shall be applicable to the extent allowed by the Code. The intent of this provision is to allow, once the project is constructed, for minor changes proposed by the homeowners through the zoning administrator approval process. The management company or homeowners association, whichever is applicable, shall also approve future additions/modifications to the site.
- d. Other modifications from the Development Standards may be permitted, subject to the approval of a variance as provided for in Chapter 18.72 of the City of Larkspur Municipal Code, unless determined by the Planning Director to affect the overall development concept or the provisions of the CLASP, in which case, an amendment to the Preliminary and Precise Development Plan shall be required.
- e. Modifications to the requested Conditions of Approval shall be processed in accordance with applicable permit requirements (e.g., a requested change in the use permit shall be processed in accordance with the City's use permit requirements, LMC Chapter 18.76). Modifications to Conditions of Approval that are also mitigation measures shall be reviewed and processed in accordance with the California Environmental Quality Act. The Planning Director shall determine if a requested condition modification is related solely to a particular permit application or the Project as a whole requiring an amended Preliminary and/or Precise Development Plan.
- f. The management company or homeowners association, whichever is applicable, shall also approve future additions/modifications to the site.

- g. Other modifications to the Preliminary and/or Precise Development Plan, not provided for above, shall be made in accordance with the procedures set forth in City of Larkspur Municipal Code Section 18.55.140, Modification.

## CONDITIONS OF APPROVAL

**Conditions of Approval.** The conditions of approval listed below shall be applied to the amended Preliminary Development Plan, the Precise Development Plan (including excavation/fill permit), tentative map, design review, use permit, circulation assessment permit, archaeological investigation permit and the heritage tree removal permit for property at 2 Ward Street (APN 022-110-45). The conditions are listed by topic areas. As there are multiple permit applications and some conditions of approval apply to all the applications and some are more specific to certain applications (e.g., conditional use permit, circulation assessment permit, tentative map), conditions include the timing of the condition and, where appropriate, the specific permit or approval it applies to. Conditions that are based on mitigation measures from the CLASP EIR and the Mitigated Negative Declaration for the Rose Garden Project are noted (Note: The mitigation measures are not listed separately as in the Preliminary Development Plan approval.)

### A. Scope of Approval/General Conditions/Tentative Map Conditions

1. **Scope of Approval.** Scope of approval is limited to the numbered items listed below as presented in the application submittals and as shown on the project plans generally titled Precise Development Plan, Central Larkspur Specific Plan Subarea 3, The Rose Garden, A Mixed Use Residential Development by Larkspur Housing Partners, LLC, dated May 12, 2009, and Tentative Map for Rose Garden Development, Larkspur California, dated revised 2/6/09:

#### Precise Development Plan (including Excavation/Fill Permit)/Design Review/Use Permit/Circulation Assessment Permit/Archaeological Investigation Permit, and Heritage Tree Removal Permit

- Dahlin Group Sheets A0.01 – A0.03, dated May 12, 2009;
- LDSI Sheets C1 – C20, and C2-A, dated revised 2/6/09;
- Environmental Foresight, Inc Sheets L0.0 – L0.5, L1.1 HOA – L1.5 HOA, L1.1 – L1.7 SFD, L1.1C and L2.1C, L1.1 R – L2.2 R, and L3.1 – L3.5.
- Dahlin Group Sheets A1.01 – A1.53, A2.01 – A2.12, A3.01 – A3.45, dated either September 15, 2008 or December 22, 2008 (Plan A3.44 dated June 11, 2009, dated received June 12, 2009), all others dated received May 13, 2009.
- Dahlin Group, Color and Materials Palette, The Rose Garden, Larkspur, California, Larkspur Housing Partners, dated September 15, 2009, dated received October 27, 2008 (red folder)
- Precise Development Plan Application Documents for The Rose Garden, A Mixed Residential Development, Larkspur Housing Partners, LLC, dated May 12, 2009, dated received May 13, 2009 (white binder)

#### Tentative Map

- LDSI, TM1 – TM17, dated revised 2/6/09, dated received May 13, 2009.
- Revised Civil Engineer's Technical Data, Precise Development Plan and Tentative Map, Central Larkspur Specific Plan Subarea 3, The Rose Garden, A Mixed Residential Development, Larkspur Housing Partners, LLC, dated February 6, 2009, dated received May 25, 2009 (white binder)

2. **Final Engineering Drawings.** Prior to approval of the Subdivision Improvement Plans and a Final Map, the applicant must receive final approval of all engineering drawings. At a minimum, plans shall be revised to include the following:

- a. The Subdivision Improvement Plans shall reflect the Traffic Index (TI) that the roads will accommodate. At a minimum the following Traffic Indices shall be used for determining the structural section:
- (1) Camellia Circle from Orchid northward: TI = 6.5 min.
  - (2) Orchid Drive and balance of Camellia Circle: TI= 6 min.
  - (3) Areas noted as Private Driveway: TI= 5.0 min.
  - (4) Doherty Drive TI= 8.5 min.

- b. Sheet C10 (and TM 10)- A grate elevation for the inlet in the northwest corner of Parcel A shall be added.
  - c. Sheet C15 (and TM 15)- The section for the interlocking pavers is subject to further review at the improvement plan stage, the treatment inlets shall be designed to handle runoff from these areas.
- 3. **Design Review.** Prior to the issuance of Building Permits, the plans shall include the following:
  - a. The side elevation of Plan 8 shall be revised to reduce the massing of the second story and blend it better with the rest of the structure. The rooflines on Plan 8 shall also be simplified.
  - b. Better screening to alleviate noise and headlight glare shall be provided in front of or within (i.e., shutters operable from the inside) the bedrooms at the end of the private driveway hammerhead for the Senior Cottages.
  - c. Any backflow equipment (i.e., for the senior cottages) shall be screened from public view, to the extent feasible. The Planning Director shall approve screening.
  - d. If common area mailboxes are required by the United States Postal Service for the single family and cottage units, the location and design shall be approved by the Planning Director.
- 4. **Fees.** Approval of applications 08-54 shall not be considered valid until any and all outstanding application processing fees are paid in full to the City of Larkspur. This condition is not intended to extend or abrogate the time periods established under Section 18.76.070 of the Larkspur Municipal Code.
- 5. **List of Conditions.** At time of Demolition, Grading and/or Building Permit application submittal, all the project conditions of approval shall be listed on the cover sheet of the building permit plan set.
- 6. **Final Maps.** Prior to issuance of any Building Permit, the applicant shall file with the County Recorder's Office a City approved Final Map, consistent with the Tentative Map approval. Conditions applicable to the Tentative Map may be applied as conditions to be met prior to grading and building permit approval.
- 7. **Permit Expiration.**
  - a. The approval of the Tentative Map will expire two (2) years from the effective date of this approval, except as may extended by a development agreement and/or State law, if a Final Map has not been filed for the Tentative Map and construction of the proposed alterations have not been undertaken by that date. Issuance of a grading permit and active construction will extend the life of planning permits for the length of time the permits are active. If no grading permit is issued or a permit is issued but expires for lack of construction, an extension may be applied for at the Customer Service counter before the planning permit's expiration date.
  - b. Except as may otherwise be provided for in a development agreement: if, within three years after the approval of the Precise Development Plan by the City Council, the construction specified in the Precise Development Plan has not commenced, the Planning Commission may review the applicant's reasons for not starting construction, and may initiate consideration of reclassification, hold public hearings, and make a recommendation to the City Council to reclassify all or part of the area. As long as the Precise Development Plan is valid so are all related approvals, except for the Tentative Map, which is subject to a. above.
- 8. **Signatures on Plans.** A registered Architect or Engineer's stamp and signature must be placed on all plan pages of the permit plan sets submitted to the City, unless waived by the Building Official.
- 9. **Property Entry.** The Building Official and other City staff shall have the right to enter the property at all times during construction to inspect operating procedures, progress, compliance with permit and applicable codes.
- 10. **Encroachment Permits.** Prior to any work in the public right-of-way, the applicant shall apply for an encroachment permit from the Director of Public Works.

11. **Park Dedication.** Prior to approval of a Final Map or issuance of a Building Permit, the applicant shall submit legal descriptions for the transfer and dedication of the park acreage (0.84 acres), which shall be filled, surcharged and soil remediated, together with the open space donations noted below, to be reviewed and approved by the Director of Public Works. The Final Map shall offer a Park Dedication of 0.84 acres pursuant to LMC Chapter 17.13, Park and Recreation Land and Fees and Resolution No. 9/98; changes in numbers or types of residential units may change the park dedication requirement accordingly. This dedication will fulfill the land dedication requirements of LMC Section 17.13.040 for the proposed development of 85 residential units. See also Condition 13 below regarding site filling, surcharging, and soil remediation relative to the community facility site.
12. **Park Improvement Fees.** Prior to the issuance of a Building Permit, the project sponsors shall pay Park Improvements Fees pursuant to Chapter 17.13 and Resolution No. 10/98 prior to issuance of building permits.
13. **Open Space/Community Facility Site.** Prior to approval of a Final Map or issuance of a Building Permit, the applicant shall submit legal descriptions for the transfer and donation of the acreages and parcels specified below (see also Park Dedication requirement above) to be reviewed and approved by the Director of Public Works. The Final Map shall offer the following land donations, which shall be for purposes of park, community facility, pedestrian and multi-use paths, and/or other uses pursuant to a public purpose, as determined by the City:
  - a. 1.59 acres filled and surcharged, including soil remediation pursuant to the Remedial Action Workplan approved by DTSC and all archaeological studies and mitigation related to grading the site, for the community facility site (With the 0.84 acre Park Dedication, the full Parcel A, as shown on Tentative Map Sheet TM 5 dated 2/6/09, is 2.43 acres and includes a portion of the multi-use path on Doherty Drive). Prior to approval of a Final Map, the subdivision improvement plans and grading plans for Community Parcel A shall depict a pad grade for Parcel capable of being graded overland to the proposed grades for the back of walk, and
  - b. 0.14 acres for the pedestrian/multi-use path along Doherty Drive (Parcel C as shown on Tentative Map Sheets TM 5 and TM 6, dated 2/6/09), and
  - c. 0.22 acre entry road remnant (Parcel B as shown on the Tentative Map Sheets TM 5, dated 2/6/09).

If the City does not accept Parcel B, the acreage shall be conveyed to the Master Homeowners Association for ownership and maintenance.

14. **Project Phasing.**
  - a. Overall Phasing Plan:

Prior to approval of a Final Map, the Phasing Plan depicted on Sheet C17 of the Precise Development Plan shall be updated to include the required improvements to the intersection at Larkspur Plaza / Boardwalk, the frontage improvements on Doherty Drive, and the intersection improvements at the Piper Park entrance within Phase 1 of the development. Notes shall be added to the phasing plan to indicate that the grading for the entire site will be done in 2 phases to precede the start of roadway and utility construction, that demolition and soil remediation will precede the start of overall site grading, and that any modifications to the Phasing Plan will require the approval of the Director of Public Works. The construction of Model and Production Homes within the subdivision may be constructed in conjunction with Phase 1 of the project (street improvements) provided that any conditions of the Fire Marshall, Planning Director, and Director of Public Works are addressed.
  - b. Frontage Improvements on Doherty Drive and Signal Improvements:

Subject to the provisions in a. above, the required frontage improvements along and within Doherty Drive, as well as the signal and intersection improvements at Larkspur Plaza and the Boardwalk shall, in general, be phased based on traffic demand or as directed by the Director of Public Works. Any frontage or intersection improvements not deemed necessary for construction with the first residential unit shall be bonded in an amount

acceptable to the Director of Public Works. Specifically, any intersection used for access to the subdivision shall be constructed to its ultimate design when first utilized and prior to occupation of any residential unit. If only one of the two planned entry intersections is used as the entrance to the subdivision on an interim basis, it shall be chosen with the approval of the Director of Public Works to conform with the construction schedule for adjacent and related construction projects in the immediate area.

- c. Water Quality - All storm drain detention or filtration / treatment features shall be required to be completely installed during any phase of development that contributes to their need or use.
  - d. Water / Sewer Facility Relocations - Any sewer, utility, or water facility relocations or extensions required by the serving utility company, shall be installed as required by the utility.
  - e. Fire Access - any phased development shall also install any fire hydrants, sprinklers, other fire access features or circulation improvements as required by the Fire Marshall and/or the Director of Public Works.
  - f. Creek Work - Any work installed in or adjacent to Larkspur Creek shall be phased in a manner that produces a smooth transition to existing grade and does not provide any obstruction or constriction of storm flows as determined by the Director of Public Works.
  - g. Below Market Rate Units –
    - i. Cottages - The Below Market Rate (BMR) cottages shall be constructed prior to or at the same time as the first single-family market-rate housing units and shall be ready for occupancy at the same time or prior to the market rate units.
    - ii. Second Units - The BMR second units shall be constructed at the same time as the primary unit on each of the subject parcels.
    - iii. Senior Units - The BMR senior units shall be constructed prior to or concurrently with the market rate senior units (i.e., senior apartment style BMR units prior to or at same time as market-rate apartment style units and BMR cottages at same time or prior to the market rate senior cottages).
15. **Road Dedications.** Prior to recordation of a Final Map, Camellia Circle, Orchid Drive, and Rose Lane shall be offered for dedication.
16. **Public Access and Public Utility Easements.** Prior to recordation of a Final Map, the applicant shall submit a recorded copy of the Public Access and Public Utility Easements across all proposed roadway and pedestrian paths.
17. **Creek Maintenance Access.** Prior to recordation of a Final Map, the applicant shall submit a recorded copy of the Maintenance Easement for the Creek Buffer Areas.
18. **Utility and Roadway Improvements.** Prior to final subdivision improvement approval, the utility and roadway improvements shall be completed to the satisfaction of the Public Works Director. See also Section E below Traffic and Circulation conditions of approval.
19. **Subdivision Improvement Plan.** Prior to approval of a Final Map, the applicant shall submit, for review and approval, Subdivision Improvement Plans for improvements related to the Final Map (i.e., related to each phased Final Map, if phased), pursuant to and in conformance with the conditions of approval, for review and approval by the Director of Public Works or his designee and the Planning Director.
20. **Subdivision Improvement Agreement.** Prior to recordation of a Final Map, the applicant shall enter into a Subdivision Improvement Agreement with the City to guarantee the construction and installation of public improvements within and outside the boundary of the map (the effected area) as necessary to support the lots created by the map and to comply with the conditions of approval of the Project

Tentative Parcel Map. Performance of the subdivision agreements shall be guaranteed by securities as specified in Chapter 5 of the Subdivision Map Act. The subdivision agreement shall be approved concurrently with the approval of a Final Map.

**21. Final Landscape and Irrigation Plans.**

- a. Prior to approval of a Final Map, the Final Landscape and Irrigation Plan for the common areas and the front and street side yard areas shall be submitted for review and approval by Marin Municipal Water District (MMWD) in accordance with the most current MMWD landscape requirements and the applicant shall submit evidence of compliance with MMWD Ordinance 385 or any updated ordinance amending or replacing Ordinance 385. The Landscape and Irrigation Plan shall show the location of the replacement trees required for mitigation consistent with Planning Application approvals. Any significant changes required by MMWD, as determined by the Planning Director, shall be submitted for review and approval by the Planning Commission. Landscaping Plan shall include primarily native or adapted, drought resistant plan species. The requirement for fire resistant and drought tolerant plantings shall also be made a requirement of the CC&R's (Conditions, Covenants, and Restrictions) for the development of the new residences. The homeowner's associations(s) shall be required to maintain all common landscape areas.
- b. Prior to approval of a Final Map, the Final Landscape and Irrigation Plan for the multi-use pathways, pocket park, parking spaces along private driveway, and the perimeters of the senior housing complex and the community facility/park site shall be submitted for review and approval by the Larkspur Planning Department
- c. Prior to issuance of a Building Permit, the Final Landscape and Irrigation Plan for the building sites shall be reviewed and approved by MMWD and the Larkspur Planning Department.
- d. Prior to final inspection at each phase of construction and prior to final building inspections for each building site, all approved landscaping shall be installed. If landscaping is unable to be completed due to weather, the applicant shall provide the City a copy of a completed signed pre-paid contract with a qualified landscaper to complete the work within six months of final inspection.
- e. Prior to approval of a Final Map, the applicant shall provide a plan for maintenance of landscape planters along road frontages, including subsurface drip irrigation for all turf in planters.

**22. Conditions, Covenants & Restrictions (CC&Rs).** Prior to approval of a Final Map or issuance of a Building Permit for any parcel, whichever comes first, the applicant shall provide CC&Rs or deed restrictions, if appropriate, for affected parcel, describing the map's conditions of approval that will survive map recordation, to the Public Works Director, or his designee, Planning Director, and City Attorney for review and approval. These CC&Rs shall reflect on-going conditions of approval that shall be applied to subsequent development.

**23. Final Grading Plan.** Prior to approval of a Final Map, the applicant shall submit Final Grading Plans to the Director of Public Works for review and approval. The application shall reflect actual grading with cut and fill calculations for the project along with the detailed grading plan. The cut and fill calculations shall be verified by a geotechnical engineer prior to approval of a Grading Permit. Areas with a slope of 2:1 adjacent to a sidewalk must have a minimum 1' bench between the slope and the sidewalk.

**24. Fire Hydrants.** Prior to approval of a Final Map or issuance of a Building Permit for any parcel, whichever comes first, installation plans for the affected fire hydrants shall be submitted for review and approval along with evidence that they have been reviewed and approved by the Marin Municipal Water District. Street fire hydrants are required to be installed and maintained in accordance with the Larkspur Fire Department and the Marin Municipal Water District specifications. The maintenance requirements shall be included as part of CC&Rs.

**25. Street Names.** Prior to approval of Final Map, the Fire Chief and Director of Public Works shall approve all street names including the names for the private

driveways. Street names shall be consistent with CLASP Policy D-50, which requires names of tree species native to Larkspur or for flower and plant species grown in the Niven Nursery.

26. **Street Addresses.** Prior to approval of a Final Map, the Fire Chief shall approve all address numbering. Prior to final inspection of any residences, the applicant shall install address signs at a size and location approved by the Fire Chief.
27. **ADA Requirements.** All improvements, including access to and through the site shall conform to the standards and requirements of the American with Disabilities Act (ADA) and be approved by the City's Building Inspector.
28. **Updated Title Report.** Prior to approval of a Final Map, the applicant shall submit an up-to-date Title Report.
29. **Site Plan Submittal.** At the grading and building permit stages, the site plan submittal shall comply with the "Engineered Site Plan Checklist," and the "Driveway Criteria" on a "Site, Grading and Drainage Plan," prepared by a registered civil engineer of this State and in conformance with the recommendations of the geotechnical report. Topographic elevation heights for top and bottom of all retaining walls shall be included on the plan.
30. **Construction Management Plan.** Prior to the issuance of demolition, grading and hauling permits, the applicant shall:
  - a. Obtain approval of a construction management plan by the Public Works Director. The management of worker vehicle parking, the storage of construction materials and debris, and the on- and off-haul of soils and materials should be addressed. The City may require bonding to protect the public infrastructure in case of contractor damage, depending on the method of hauling and likely impact on the street.
  - b. The plan shall provide information related to duration of the construction, size of work force, on-site parking for construction workers, average daily truck deliveries, proposed truck routes to and from the construction site, and hours/days of operation.
  - c. Identify locations of on-site staging areas for all equipment and material deliveries.
  - d. To the extent possible, delivery truck activity shall be limited to off-peak periods.
  - e. Construction traffic shall access the site from Doherty Drive only and not from Ward Street.
  - f. Videotape all designated haul routes approved by the Public Works Director, unless waived by the Public Works Director.
  - g. Prepare a traffic control plan and obtain approval of the plan from the Public Works Director. Traffic control and vehicular and pedestrian safety is the responsibility of the applicant. A flag person shall be provided as needed during heaviest construction periods.
  - h. Any construction activity shall only occur only between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and from 9:00 a.m. to 5:00 p.m. on weekends and holidays. All grading, excavation, and fill activity shall only occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and no such activity shall occur on weekends or holidays.
  - i. For remediation activities, provision of information regarding routes to be used during transport of contaminated soil, the facility where contaminated soil is to be disposed, hours during which excavation will occur, traffic control and loading procedures, and contingency measures in the case of spills or accidents. All transportation of contaminated soil during remediation activities shall comply with California Health and Safety Code Section 25160 and Title 22 of the California Code of Regulations Section 66263, which establish standards for the safe transportation of hazardous waste.
  - j. Include noise mitigation provisions outlined in Condition of Approval I.3.  
(CLASP Mitigation Measure 4.7-7)
31. **Permits Required by other Agencies.** The applicant/property owner is hereby informed that permits may be required by one or more of the following: Army Corps of Engineers, California Department of Fish and Game, Marin Municipal Water District, Regional Water Quality Control Board, Ross Valley Sanitary District, and State Water Resources Control Board. If the project is within jurisdiction of

any of these agencies, verification of permit or waiver of permit must be given to the Public Works Department prior to issuance of any required City permits. If the City is required to be a party to the permit application and a fee is required, the owner shall reimburse the City for its cost.

32. **Traffic Impact Fees.** Prior to issuance of a Building Permit, traffic impacts fees shall be paid pursuant to LMC Section 18.15.070 that would, in turn, provide a portion of the funds for improvements along Doherty Drive and Magnolia Avenue. Payment of traffic impact fees is based on the generation of 64 p.m. peak hour trips for the residential uses (39 p.m. peak hour trips for the single family homes, 14 p.m. peak hour trips for the cottage style homes, and 11 p.m. peak hour trips for the senior development, based on Robert L. Harrison memorandum dated January 7, 2008). Adjustments to the traffic impact fees for roadway improvements beyond that required directly for the project may be approved by the Director of Public Works and the City Manager. (CLASP Mitigation Measures 4.7-1, 4.7-2, 4.7-3, 4.7-8, 4.7-9, and 4.7-10)
33. **Specific Plan Fees.** Within 60 days of approval of this Ordinance and prior to approval of a Final Map or issuance of a Building Permit, the applicant shall pay the Specific Plan fees pursuant to Resolution No. 18/07.
34. **Indemnification.** The applicant agrees to defend, indemnify, and hold harmless the City of Larkspur, its agents, officers, council members, employees, boards, commissions and Council from any and all claims, actions or proceedings brought against any of the foregoing individuals or entities, seeking to attack, set aside, void or annul any approval of the application or related decision, or the processing or adoption of any environmental documents which relates to the approval. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision, whether or not there is concurrent, passive or active negligence on the part of the City, its agents, officers, council members, employees, boards, commissions and Council. If for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

The City of Larkspur shall have the right to appear and defend its interest in any action through its City Attorney or other counsel.

#### B. Greenbuilding

1. **Solar Technology.** Prior to issuance of a Building Permit for each building, the applicant shall submit building permit plans that either include the installation of solar technology (subject to LMC requirements) or provide for its future installation on all detached dwellings and multi-family buildings, except that solar technology shall be planned for and provided on at least two single-family models.
2. **GreenPoint Checklist.** Prior to issuance of a Building Permit for each building, the applicant shall submit a copy of the final Build It Green "GreenPoint" Checklist indicating attainment of 88 green points (with an allowable 10% adjustment), or, if adopted prior to building permit approvals, the minimum number of points adopted by the City based on a countywide model, whichever number is greater. The completed checklist shall also be printed on the cover sheet of the building permit plan set along with a signed Green Building form (page 2 of the City of Larkspur Green Building fact sheet) to certify that the submitted project is designed to include the items indicated in the checklist. Further, a third-party rater shall verify the implementation of the proposed Green Point items.
3. **Demolition Waste.** Prior to issuance of a Demolition Permit, the applicants shall complete and submit a Waste Management Plan ("WMP") for approval by the Planning Director. The completed WMP shall indicate all of the following:
  - a. the estimated volume or weight of debris, by materials type, to be generated;
  - b. the estimated volume or weight of such materials that can feasibly be diverted via reuse;
  - c. the estimated volume or weight of such materials that can feasibly be diverted via recycling;

d. the vendor and/or facility that the Applicant proposes to use to collect or receive said materials; and

e. the estimated volume or weight of materials that will be landfilled.

### C. Utilities

The following conditions shall be included on the Subdivision Improvements Plan as appropriate prior to approval of the Final Map and shall be implemented prior to final subdivision improvement and final building inspections.

1. **Utility Connections.** The applicant shall be required to apply for, provide and install all utility connections, both wet and dry, to existing systems as may be required by the serving utility companies to provide service to this project and "will serve" letters shall be submitted to the City.
2. **Financing and Installation of Utilities.** New on-site utilities, both wet and dry, and upgrades or replacements of off-site utilities necessary to serve the project shall be financed and installed by the developer based on projected demand or discharge. Applicant shall make horizontal and vertical provisions for utilities in Doherty Drive to the extent the City can identify need. Developer shall provide both wet and dry utility stub-outs for the community facility parcel.
3. **Underground Utilities.** All utilities shall be placed underground within street right-of-ways or in easements on private property, as approved by the respective utility and the Director of Public Works.
4. **Utility Line Excavation.** Prior to Issuance of a Grading Permit/During Grading. Utility line excavations shall be backfilled with noncorrosive soil backfill materials or pipelines shall be constructed of corrosion-resistant materials. (CLASP Mitigation Measure 4.3-5 b)
5. **Natural Resource Protection.** During the installation of utilities, all natural resources shall be protected in accordance with the requirements of the CLASP and all applicable federal, state and local regulations.
6. **Public Sewer/Sanitary Lines.** The proposed project will require a public sewer extension. Following Building Department signoff, an application for the public sewer extension must be filed and approved by the Sanitary District. Performance and maintenance bonds and an inspection fee are required by the Ross Valley Sanitary District for construction of the sewer extension to serve the development. All work shall be inspected prior to backfilling and constructed in accordance with Sanitary District specifications. Connections to the public sewer will require obtaining a sewer connection permit from the Sanitary District and the side sewers must be installed in accordance with the District's specifications.
7. **Drainage Facilities.** Surface and subsurface drainage flows shall not be combined, but shall be carried in separate drainage facilities pursuant to CLASP, the County of Marin, and state requirements for surface and subsurface drainage flows and stormwaters. The quality of waters receiving stormwater flow and the amount of stormwater flow to those waters shall not be impacted by the project-related development.

### D. Biological/Landscaping

1. **Heritage Tree Replacement.** Prior to approval of the Administrative Tree Removal Permit. Consistent with the Planning Commission's Heritage Tree Removal Permit approval, the applicant shall submit a final landscape plan for all replacement trees that identifies the species, location, and size (at time of planting) to be reviewed and approved by the Planning Director prior to approval of an Administrative Tree Removal Permit. All heritage trees that are greater than 24 inches in diameter shall be replaced at a ratio of 4 new trees for every tree removed. For those trees with a diameter of 15 inches to 24 inches, the replacement ratio shall be two new trees for every tree removed. If all replacement trees cannot be located on the site, the applicant shall work with the City on identifying nearby locations for replacement trees or provide appropriate level of bonding in a form acceptable to the City. (The Rose Garden Negative Declaration Mitigation Measure Biology 2.a. and 2.b)
2. **Misidentified Tree.** Consistent with the Addendum to the Initial Study/Mitigated Negative Declaration, the Preliminary Development Plan is amended to allow removal of a bay heritage tree (Tree No. 17267), with an administrative heritage

tree removal permit, as the tree was misidentified as a heritage valley oak and had been required to be preserved.

(The Rose Garden Negative Declaration Mitigation Measure Biology 2.c)

3. **Relocation of Heritage Coast Live Oak.** LandWatch Incorporated, dated 5 February 2009, the arborist states that the heritage Coast live oak, Tree No. 17337, is a suitable candidate for relocation subject to certain recommendations. Prior to approval of a grading permit that impacts lands within a 50 foot radius of Tree No. 17337 or a heritage tree removal permit for Tree No. 17337, whichever is first, the applicant shall provide proof of a contract with a qualified state licensed tree contractor for the following requirements:
  - a. Relocation of Tree No. 17337 is to be performed by a qualified state licensed tree contractor experienced in moving large trees.
  - b. The tree is to be relocated prior to demolition operations commencing within a 50-foot radius of the tree.
  - c. A site to hold and maintain Tree No. 17337 until it is installed shall be provided well in advance of moving the tree.
  - d. Applicable recommendations in Tree Protection Plan should be properly implemented (see also Administrative Heritage Tree Removal Permit and Project Arborist conditions below).

(Note: The original mitigation measure referred to investigating relocating the "private drive" between lots 30 and 43 as shown on the initial plan; Plan 2 eliminates a driveway in that location and the new lot is Lot No. 4.)

(The Rose Garden Negative Declaration Mitigation Measure Biology 2.d)

4. **Administrative Heritage Tree Removal Permit.** Prior to issuance of a Grading Permit, applicant shall apply for an administrative heritage tree removal permit. The permit application shall include the approved tree survey showing the specific location of heritage trees to be removed and all trees identified to be protected by the development. The arborists recommended methods for tree protection/-preservation as outlined in the *Tree Protection Plan Prepared for The Larkspur Housing Partners by Ralph Osterling Consultants, Inc. dated 9/5/08* shall be on any permit application (see Tab 15 of the application binder submitted May 13, 2009; See also Project Arborist and Migratory Bird Treaty Act conditions below.):
5. **Project Arborist.** Prior to approval of the administrative heritage tree removal permit and all subsequent applications, the applicant shall submit evidence of a contract with a certified arborist to be present onsite in all phases of tree removal, grading or project construction adjacent to any tree to be removed or protected verifying his role consistent with the conditions herein and the approved Tree Protection Plan noted above in the condition for an administrative heritage tree removal permit. (Note: The applicant shall have root collar excavations done for both trees (#17017 and 17019) by the project arborist to better assess their health. (The root collar excavations were completed and the results submitted with the LandWatch Inc., 5 February 2009 letter; the findings were that no biotic or other features of concern that may jeopardize the vigor of the trees were observed.)
6. **Marin Municipal Water District Approval.** Prior to issuance of a Grading and/or Building Permit, the landscaping plan shall be reviewed and approved by Marin Municipal Water District. Any significant changes required by the Marin Municipal Water District, as determined by the Planning Director, shall be submitted for review and approval by the Planning Commission. Landscaping plan shall include primarily native or adapted, drought resistant plant species. The homeowner's association(s) shall be required to implement maintenance of all common landscape, and a requirement to perform regular maintenance of landscaped and resource protected areas shall be included in the Covenants, Conditions and Restrictions.
7. **CC&Rs - Implementation & Ongoing Monitoring/Reporting.** Prior to Approval of the Final Subdivision Map-CC&Rs, CC&Rs shall include provisions for implementation and ongoing monitoring and reporting of the native plant restoration plan and ongoing maintenance of buffer areas and associated fencing. (CLASP Mitigation Measures 4.5-2a)

8. **Easements Restricting Public Access.** Prior to approval of a Final Subdivision Map. Prior to approval of a Final Subdivision Map, the map shall include perpetual Master Homeowners Association easements restricting public access and use of the buffer areas. (CLASP Mitigation Measures 4.5-2a)
9. **Creek Restoration and Enhancement.** Prior to issuance of Demolition or Grading Permits, the Native Plant Restoration, Habitat Restoration, and Upland Habitat Buffer enhancement plans shall be revised, and approved by the City's consultant, to more clearly describe activities that would occur in the creek and measures that would improve the quality of fish habitat particularly at the upper reaches of the creek. To avoid adverse impacts on the native vegetation and creek water quality and habitat, the Native Plant Restoration Plan shall be revised to clearly describe invasive plant removal techniques and to address the phased and/or reduced removal of the invasive plant species to retain some shade and help to ensure creek stabilization. The plan also shall clearly describe native plant re-vegetation techniques within and immediately adjacent to the Larkspur Creek. The revised plan shall include descriptions of environmentally sensitive invasive plant control (i.e., control techniques that avoid adverse effects on native vegetation and water quality in Larkspur Creek) that will be used within the banks and bed of Larkspur Creek (i.e., from the top of the left creek bank to the top of the right creek bank) and immediately adjacent areas. The revised plan should also describe measures required to restore native plant communities within Larkspur Creek, including a detailed plant palette and planting plan, irrigation techniques, monitoring and success criteria, and maintenance requirements. The plants chosen for revegetation should be capable of stabilizing the banks of Larkspur Creek and providing shade for Larkspur Creek. The possibility for temporal reductions in fish habitat quality shall be addressed in the plan and appropriate revegetation measures (e.g., use of fast-growing native plants or phased removal of invasive plants to retain some shade and creek stabilization along Larkspur Creek during construction) shall be incorporated. The plan amendment shall be prepared by a qualified restoration ecologist following the same general guidelines originally specified in the CLASP Revised Draft EIR (see page 4.5-21). The implementation work shall be monitored by a qualified restoration ecologist. (CLASP Mitigation Measures 4.5-2a)
10. **Creek Restoration and Enhancement.** Prior to issuance of a Grading Permit, the approved Native Plant Restoration, Habitat Restoration, and Upland Habitat Buffer Enhancement Plans shall be implemented through evidence of contractual agreements for the work required at time of grading. Prior to the issuance of Building Permits for single family and cottage homes located on the south side of the project site or the City may release building permits upon verification of the applicant's efforts to implement plans, an approved time schedule for implementation, and sufficient bonding to ensure implementation of the plans. Monitoring reports prepared by a qualified restoration ecologist shall be submitted to the City annually for 5 years. The first report shall be due to the City 12 months following the start of implementation of the restoration plan. (CLASP Mitigation Measure 4.5-2a)
11. **Permanent Fencing Installation.** Prior to Issuance of Building Permits/After Construction. To minimize soil erosion and other secondary impacts on wildlife by pedestrians and cyclists, no bikeways or footpaths will be constructed within the Larkspur Creek buffer area. Permanent fencing designed to discourage people and their pets from entering restored habitat in the buffer area shall be installed along the outside edge of the buffer prior to the issuance of Building Permits unless the permits are for residential models located within the upper half of the project site. Prior to issuance of Building Permits for said models, temporary cyclone shall be installed to be later replaced with the permanent fencing noted above prior to the issuance of additional building permits. (CLASP Mitigation Measure 4.5-2a) Pathways and other paving proposed within the 50' building and impervious surface setback shall be approved by the Public Works Director for permeability and durability. (CLASP Mitigation Measure 4.5-2a)
12. **Signage and Interpretive Displays.** Prior to any final building inspections. Signage that includes interpretive displays shall be posted on bikeways and footpaths alerting visitors to the nearby sensitive habitat and explaining the importance of protection of these areas. Signs shall also be posted requiring that all dogs be on leashes and kept out of the setback area. (CLASP Mitigation Measure 4.5-2a)

13. **Migratory Bird Treaty Act.** Prior to Issuance of a Grading Permit or Heritage Tree Removal Permit: Any active nests of birds protected under the Migratory Bird Treaty Act shall be protected during construction. The applicant shall either avoid disturbance by scheduling construction during the non-nesting period (September through February), or conduct a preconstruction survey for active nests. A preconstruction survey report verifying that no active nests are present shall be submitted to the City of Larkspur Planning Director for review and approval prior to initiation of grading or construction during the nesting season, or verifying that nesting has been completed as detailed below. Provisions of the pre-construction survey and nest avoidance measures, if necessary, shall include the following:

- a. If tree removal, grading and new construction are scheduled during the active nesting period (March through August), a qualified wildlife biologist shall be retained by the applicant to conduct a pre-construction nesting survey no more than 15 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity.
- b. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist through informal consultation with the California Department of Fish and Game (CDFG) and implemented to prevent nest abandonment. At a minimum, grading and new construction in the vicinity of the nest shall be deferred until the young birds have fledged. A nest-setback zone of at least 300 feet shall be established for raptors and 100 feet for loggerhead shrike and passerine birds within which all construction-related disturbances shall be prohibited. The perimeter of the nest-setback zone shall be fenced or adequately demarcated, and construction personnel restricted from the area.
- c. If permanent avoidance of the nest is not feasible, impacts shall be minimized by prohibiting disturbance within the nest-setback zone until a qualified biologist verifies either a) that the birds have not begun egg-laying and incubation, or b) that the juveniles from the nest are foraging independently and capable of independent survival at an earlier date than usual.
- d. A survey report of findings verifying that any young have fledged shall be submitted for review and approval by the City of Larkspur Planning Director prior to initiation of heritage tree removal, grading or new construction in the nest-setback zone. Following approval by the Planning Director, grading and construction in the nest-setback zone may proceed as proposed. The combination of the above measures, as needed, would reduce this impact to a less-than significant level. (LTS)

(The Rose Garden Negative Declaration Mitigation Measure Biology-1)

14. **Bicycle/Pedestrian Path Design.** Prior to approval of a Grading Permit for the area between Camellia Circle (west) and the former railroad right-of-way or a permit to construct the Class 1 Bicycle Path in that location, the construction contract indicating the following conditions shall be provided to the City:

- a. Adherence to the Tree Protection Plan referred to in the administrative heritage tree removal permit condition above.
- b. All work within the Tree Protection Zone of heritage trees is to be done by hand or hand held equipment.
- c. The retaining walls on both sides of the path shall be installed to prevent fill soil from entering the Tree Protection Zones (TPZ) of heritage trees 17021 and 17025.
- d. Relocate the path so that the south edge of the path is no closer than eight feet from face of trunk of 17021 and that the north edge of path is no closer than eleven feet from the face of trunk of 17025. According to the plans, the distance was measured from the front of retaining wall to the face of trunk.

(The Rose Garden Negative Declaration Mitigation Measure Biology 2.e)

15. **Top of Creek Bank Marked.** Prior to issuance of a Demolition or Grading Permit, the top of the creek bank shall be permanently delineated with metal stakes at a minimum of 100' apart, preferably also marking the side lot lines of the single-

family detached lots where those lot lines intersect the creek bank. The landscape plan shall indicate how the top of creek bank is to be permanently marked.

16. **Installation of Landscaping.** Prior to final inspection at each phase of construction and prior to final building inspections for each building site, all approved landscaping shall be installed. If landscaping is unable to be completed due to weather, the applicant shall provide the City a copy of a completed signed pre-paid contract with a qualified landscaper to complete the work within six months of final inspection.

E. Traffic and Circulation

1. **Doherty Drive/Larkspur Plaza Drive/Camellia Circle (west).** Prior to approval of Subdivision Improvement Plans and a Final Map, the improvement plans shall include provisions for the full signalization of the Doherty Drive/Larkspur Plaza Drive intersection and the re-alignment of the Boardwalk Plaza One subject to the approval of the Director of Public Works. (CLASP Policy T-3; Fehr and Peers report regarding Signal Warrant and Schematic Design of Reconfigured Doherty Drive Intersection in Larkspur, dated December 22, 2008; and Precise Development Plan Doherty Drive Schematic Improvement Exhibit, dated received May 13, 2009-Tab 9 of binder for the Precise Development Plan application dated received May 13, 2009.)
2. **Doherty Drive/Piper Park/Camellia Circle (east).** Prior to approval of Subdivision Improvement Plans and a Final Map, the improvement plans shall include provisions for the improvement of the Doherty Drive/Piper Park/Camellia Circle (east) intersection subject to the approval of the Director of Public Works. (CLASP Policy T-4 and Fehr and Peers report regarding Signal Warrant and Schematic Design of Reconfigured Doherty Drive Intersection in Larkspur, dated December 22, 2008, and Precise Development Plan Doherty Drive Schematic Improvement Exhibit, dated received May 13, 2009-Tab 9 of binder for the Precise Development Plan application dated received May 13, 2009). (CLASP Mitigation Measure 4.7-13)
3. **Doherty Drive Improvements.** Prior to approval of Subdivision Improvement Plans and a Final Map, the improvement plans shall include provisions for the improvement of the Doherty Drive frontage consistent with Precise Development Plan Doherty Drive Schematic Improvement Exhibit, dated received May 13, 2009-Tab 9 of binder for the Precise Development Plan application dated received May 13, 2009, subject to the approval of the Director of Public Works. Improvements shall include a provision for bus stop improvements on the south side of Doherty Drive subject to approval of the Director of Public Works and the transit provider.
4. **Camellia Circle (west)/Orchid Drive/Rose Lane.** Prior to approval of Subdivision Improvement Plans and a Final Map, the improvement plans shall include provisions for the crosswalk improvements and signing improvements at the Camellia Circle (west)/Orchid Drive/Rose Lane intersection in accordance with Sheet C8, dated 2/6/09, of the Precise Development Plan submittal. (Recreation and Parks Commission)

F. Geology and Soils

1. **Erosion Control Plan.** Prior to issuance of a Grading Permit/During Grading. To reduce the potential for impacts on Larkspur and Corte Madera Creeks from soil erosion caused by grading and other construction activities, the applicant shall have prepared an Erosion Control Plan for any construction activity to control the potential for stormwater to erode site soils and cause them to enter the creeks. The plan, which shall be in the form of a SWPPP that include on-site detention and filtration facilities and long-term maintenance provisions, shall be reviewed and approved by the City and the San Francisco Bay Regional Water Quality Control Board (RWQCB) (to the extent that the RWQCB grants "approval" for a SWPP) prior to the issuance of construction permits and shall be implemented during construction activities and for the next rainy season following completion of construction. The Erosion Control Plan shall comply with the City's Grading Ordinance and shall include, but shall not be limited to, the following measures:

- a. Grading/earthmoving shall not occur during the rainy season (October 15– March 15) unless specifically approved by the Director of Public Works. Should construction proceed during or shortly after wet-weather conditions at any time of year, the geotechnical engineer in the field at the time of grading/earthmoving shall provide specific wet-weather grading/earthmoving recommendations.
  - b. A vegetated buffer shall be protected during grading/earthmoving next to Larkspur Creek. This buffer shall be at least 50 feet wide from the top of the bank on the north/south reach of the creek at the eastern edge of the Specific Plan area, and at least 25 feet wide from the top of bank on the east/west reach of the creek at the southern edge of the Specific Plan area. The conditions of all development permits within Subarea 3 and all subsequent grading permits shall both specify that before the start of any grading, orange barrier fencing shall be installed at the outer edge of the protected buffer area. The fencing shall be maintained until all construction activities have ceased. No construction activity, including the storage of construction materials, or vehicles staging or maneuvering, shall be permitted in the buffer area, except those activities to implement requirements of the San Francisco Bay Regional Water Quality Control Board for water treatment and stormwater detention facilities, such as grassy swales, and to implement the approved native plant restoration plan for upland habitat in the buffer area.
  - c. Silt fencing and straw bales or equivalent approved best management practices shall be used along Larkspur Creek to trap any silt flows from unvegetated ground.  
(CLASP Mitigation Measures 4.3-3, 4.4-4, 4.4-6, and 4.5-2b)
2. **Geotechnical Reports.** Prior to issuance of a Grading Permit, geotechnical testing and engineering design reports that include evaluation of corrosive soils shall be submitted for review and approval by the City's geotechnical consultant. (CLASP Mitigation Measure 4.3-5 a)

G. Hydrology and Water Quality

1. **Storm Water Pollution Prevention Program.** Prior to issuance of a Grading Permit/During Grading. Applicant shall prepare and Implement the SWPPP as required in Condition F.1 above, to reduce the contribution of sediments or contaminants to freshwater and wetland areas. Site improvements for grading and drainage shall include all required elements as defined in the latest stormwater quality permit issued to the County of Marin, by the State of California, and specified in the development standards of the Marin county Stormwater Pollution Prevention Program (MCSTOPP). (CLASP Measure 4.4-4)
2. **Dewatering.** Prior to issuance of a Grading Permit. A groundwater-testing program shall be implemented in conjunction with any dewatering of the project area. This program shall include measures to ensure that dewatering for construction will not result in salinity intrusion. Any water removed during dewatering shall be stored and tested for residual contamination consisting of metals or chlorinated pesticides before disposal. (CLASP Mitigation Measures 4.4-5 and 4.4-6)
3. **Tidal Influence, Settlement and Sea Level Rise - Residential Structures.** Prior to approval of Building Permits for residential structures, the Applicant shall submit final design plans indicating that the residential structures are designed to include the effect of tidal influence, 50 years of settlement, and 50 years of sea level rise.
4. **Tidal Influence, Settlement and Sea Level Rise – Street Elevations.** Prior to approval of Subdivision Improvement Plans, the Applicant shall submit final design plans indicating that the street elevations are designed to include the effect of tidal influence, 50 years of settlement, and 50 years of sea level rise.
5. **Sub-base Alternatives.** The applicant's geotechnical engineer indicates that it is inadvisable to introduce storm water into the subgrade of streets and that any of the proposed subbase alternatives are not particularly permeable. Prior to approval of Subdivision Improvement Plans, the applicant shall submit with their

improvement drawings, calculations indicating that the proposed treatment facilities have been sized to accommodate flows from these paving block areas.

6. **Drainage System.** Prior to the approval of a Subdivision Improvement Plans, the applicant shall redesign the proposed drainage system for Larkspur Plaza/Boardwalk modification using inlets and not a valley gutter as currently shown. Any changes to the storm drainage system as proposed on the west side of the property shall be reviewed by the project arborist to ensure no impacts to the health of the trees to preserved.
7. **Filterra Filtration.** Prior to the approval of a Subdivision Improvement Plans, the applicant shall submit to the Director of Public Works an approval letter from the makers of the Filterra filtration catch basins confirming the sizing of the units.

#### H. Air Quality

1. **Prohibition of Wood Burning Appliances and Fireplaces.** Prior to issuance of a Building Permit. Residential wood burning appliances and fireplaces shall be prohibited; only natural gas or pellet burning fireplace appliances shall be allowed. (CLASP Mitigation Measure 4.6-3)
2. **Dust Control Measures.** Prior to issuance of Grading Permit/During Grading and Construction, the applicant shall implement effective and comprehensive dust control measures. Construction activities are also subject to BAAQMD Regulation VIII, which requires suppressing dust emissions from all sources of dust generation using water, chemical stabilizers, and/or vegetative ground cover. The project site is near existing sensitive receptors (residences, schools) and the dust generated may contain contaminants. Thus, construction activities need the most stringent control measures recommended by the BAAQMD. These measures, stated below, would reduce construction dust to the maximum extent feasible (by 70% or more). Therefore, the construction contractor shall implement all of the following measures:
  - a. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
  - b. Cover all hauling trucks or maintain at least 2 feet of freeboard. Pave, apply water at least twice daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
  - c. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas. Sweep adjacent streets daily (with water sweepers) if visible soil material is deposited onto the road surface.
  - d. Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas that are inactive for 10 days or more).
  - e. Enclose, cover, water twice daily, or apply (nontoxic) soil binders to exposed stockpiles.
  - f. Limit traffic speeds on any unpaved roads to 15 mph.
  - g. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - h. Replant vegetation in disturbed areas as quickly as possible.
  - i. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the construction site.
  - j. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
  - k. Designate an air quality coordinator for the project. Prominently post a phone number for this person on the job site, and distribute same to all nearby residents and businesses. The coordinator will respond to and remedy any complaints about dust, exhaust, or other air quality concerns. A log shall be kept of all complaints and how and when the problem was remedied.
  - l. Perform air monitoring during remediation activities. If deemed appropriate by the lead agency, DTSC, and/or BAAQMD conduct air monitoring through use of direct-reading instruments and collection of samples on the site. Prepare a Health and Safety Plan, which shall include air-monitoring procedures. The Health and Safety Plan shall be reviewed and approved by the California Department of Toxic Substance Control.(CLASP Mitigation Measure 4.6-5a)

3. **Emission Control Techniques.** Prior to issuance of a Grading Permit/During Grading and Construction, the applicant shall provide evidence to ensure that all onsite construction and grading equipment follow three emission control techniques:

- a. Use biodiesel fuel for all onsite diesel powered equipment. For equipment with engines built in 1994 or later, B100 shall be used. In pre-1994 engines, B-20 fuel (a mixture of 20% biodiesel and 80% fossil diesel fuel) may be used if necessary. If B20 is used, the fossil diesel component should be CARB ultra low-sulfur fuel.  
OR an oxidation catalyst or catalytic particulate filter shall be used on all diesel powered equipment rated above 50 horsepower.
- b. Use PuriNO<sub>x</sub> additive or equivalent.
- c. Tune vehicle engines to produce minimum NO<sub>x</sub>, typically by engine retard of 4–8 degrees. This can reduce emissions by an additional 5%.

Prior to issuance of a grading permit, applicant shall submit verification that the contractor(s) has/have agreed to and will implement the above techniques.

(CLASP Mitigation Measure 4.6-5.b)

#### I. Noise

1. **Acoustical Evaluation.** Prior to final building inspection for dwellings adjacent to Doherty Drive and the Senior Condominium units adjacent to the rear of the grocery store, the applicant shall provide an updated evaluation by an acoustical engineer to verifying that residential outdoor use areas are protected to a level not in excess of an Ldn of 55 dBA. The City shall review the acoustical evaluation. Measures that could be used to achieve reduction in noise are increasing the distance between the outdoor use areas and any noise sources (for example, the grocery store loading dock), using the buildings themselves to shield outdoor spaces, and constructing sound walls, earth berms, or combined sound walls and earth berms adjacent to noise sources. (CLASP Mitigation Measure 4.8-1)
2. **Mechanical Ventilation.** Prior to issuance of a Building Permit, applicant shall provide sound mitigation for mechanical ventilation, which may include air conditioners or fans, where the outdoor noise level at the exterior of new residential uses exceeds an Ldn of 60 dBA. (CLASP Mitigation Measure 4.8-1)
3. **Construction Noise.** Prior to issuance of Grading and/or Building Permit/During Grading and Construction, The developer shall take the following measures to minimize noise intrusion during construction in the Specific Plan area:
  - a. Limit construction to the hours of 7 a.m. to 6 p.m. on weekdays, and 9 a.m. to 5 p.m. on Saturdays, Sundays, or legal holidays in accordance with Chapter 9.54 of the Larkspur Municipal Code.
  - b. Ensure that all equipment driven by internal combustion engines are equipped with mufflers that are in good condition and appropriate for the equipment.
  - c. Use "quiet" models of air compressors and other stationary noise sources where technology exists.
  - d. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a remediation or construction project area.
  - e. Prohibit unnecessary idling of internal combustion engines.
  - f. Designate a "noise disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures warranted to correct the problem. Post the telephone number for the disturbance coordinator at a location clearly and easily visible to the public on the construction site.

(CLASP Mitigation Measure 4.8-2)

4. **Air Conditioning Units for Single Family Dwellings.** Prior to issuance of Building or Mechanical Permits for A/C units, it shall be verified that the unit meets the setbacks for accessory units and that they are consistent with the City's Noise Ordinance, LMC 9.54.

## J. Cultural Resources

1. **Archaeological Subsurface Testing.** An archaeological subsurface testing program to delineate and define the elements of CA-MRN-68 shall be implemented before the beginning of excavation activities or other activities that may disturb the resources. The archaeologist will make a preliminary assessment of NRHP and CRHR eligibility based on the results of the testing. If CA-MRN-68 is found to be potentially eligible for listing, then destruction of this site must be avoided. (CLASP Mitigation Measure 4.11-2)

In accordance with this requirement, the archaeologist has conducted subsurface testing to the degree possible given that there are buildings or pavement over most of the site. Based on that testing, the archaeologist has not found materials that would make the site eligible under either the NRHP or the CRHR eligibility criteria. What has been found to date, however, indicate that intact deposits which may be eligible for the CRHR or NRHP, could exist elsewhere on the property. Further, the archaeologist has found that there is not cost effective or scientifically supported method of discovering CRHR eligible cultural deposits (Ref: Letter from Holman Associates to Nancy Kaufman dated February 3, 2007 and Miley Paul Holman report dated January 2007 regarding the Results of Preliminary Archaeological Investigations at the subject sites). Therefore, prior to issuance of a Grading Permit or other ground disturbing activity, the applicant shall provide verification that all such related contracts include provisions for archaeological monitoring pursuant to Condition 2 below and the Treatment Plan (signed May of 2009), an agreement between the Federated Indians of Graton Rancheria (FIGR), the City of Larkspur, and Larkspur Housing Partners.

2. **Archaeological Monitoring.** During any ground disturbing activities, a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, and a Native American observer (identified through the Native American Heritage Commission and the above noted Treatment Plan with the FIGR shall be present to monitor ground-disturbing activities within the Specific Plan area. In the event that any archaeological resources are uncovered within the Specific Plan area during future remediation or construction activity associated with the implementation of the Specific Plan, there shall be no further excavation or disturbance of the archaeological site or any nearby area until the archaeologist has evaluated the find and appropriate site-specific mitigation has been identified consistent with the Treatment Plan with the FIGR, CEQA §21083.2(b)(3) or (4) and CEQA Guidelines §15126.4(b)(3). (CLASP Mitigation Measure 4.11-2)
3. **Documentation of Historic Structures.** Prior to issuance of a Demolition Permit, the Niven Nursery structures that appear to be eligible for listing in the CRHR shall be documented according to Historic American Buildings Survey (HABS) standards. This task shall be performed by a qualified Architectural Historian who meets the Secretary of the Interior's Standards and Guidelines, and shall be accomplished by those proposing development of Subarea 3 and approved by the City Planning Department before any demolition permit for that property is issued. (CLASP Mitigation Measure 4.11-3)
4. **If Human Remains are Uncovered.** California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code §7050.5 and §7052 and CEQA §5097. In accordance with the California Health and Safety Code, if human remains are uncovered during construction at the project site, the construction contractor shall immediately halt potentially damaging excavation and notify the City or the City's designated representative. The City shall immediately notify the coroner. The California Health and Safety Code states that if human remains are found in any location other than a dedicated cemetery, excavation must to be halted in the immediate area, and the county coroner is to be notified to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (California Health and Safety Code §7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission by phone within 24 hours of making that determination (California Health and Safety Code §7050[c]). The responsibilities of the City for acting upon

notification of a discovery of Native American human remains are identified in CEQA §5097.9. (CLASP Mitigation Measure 4.11-5)

K. Hazards and Hazardous Materials

1. **Prevention of Contact with Contaminated Soil by Native American Monitor.** Prior to issuance of a Grading or Demolition Permit, the applicant shall ensure and fund appropriate hazardous material training for any Tribal Monitor that may be present on the site during soil disturbance.
  
2. **Prevention of Contact with MTBE.** Prior to issuance of Grading, Demolition, or Construction Permits/During On-Site Activities, the following measures shall be incorporated into the project and implemented during construction activities to prevent construction workers and the public from coming into contact with MTBE:
  - a. Construction personnel shall wear appropriate construction clothing (i.e., long pants, hard hat, gloves) during construction to minimize potential contact with groundwater containing MTBE. This clothing shall be in compliance with the requirements for construction personnel issued by Cal/OSHA and OSHA.
  - b. Appropriate notices shall be posted at the project site to warn construction personnel and public of the presence of contaminated groundwater.
  - c. The City and the San Francisco Bay RWQCB shall be notified immediately if discolored or odorous groundwater is encountered during excavation activities.
  - d. When not under active construction or remediation, open trenches shall be covered where contaminated groundwater is present to prevent the public from coming in contact with contamination.

(CLASP Mitigation Measure 4.12-1a)

3. **Dewatering.** Prior to the issuance of Grading or Construction Permits/During On-Site Activities, the contractor for any construction work undertaken in the Specific Plan area shall prepare a dewatering plan and submit the plan to the City and the San Francisco Bay RWQCB and/or the DTSC, as appropriate, for approval prior to issuance of construction permits. Dewatering of the excavation areas shall be performed in compliance with the occupational safety and health guidelines of Cal/OSHA and OSHA, and in a manner that allows discharge to the sanitary sewer system. If dewatering is not required, groundwater shall be tested to determine the presence of MTBE or other hydrocarbons, and water shall be treated using appropriate methods approved by the City and the San Francisco Bay RWQCB and/or the DTSC, as appropriate. Any water removed during dewatering shall be stored and tested for residual contamination before disposal. Water shall also be tested after treatment to ensure that constituent levels meet requirements for surface or groundwater discharge before disposal or infiltration. If necessary, an impermeable membrane shall be installed around the excavation area to prevent contaminants from reaching Larkspur Creek. (CLASP Mitigation Measure 4.12-1b)
  
4. **Potentially Hazardous Building Materials.** Prior to the issuance of Demolition Permits/During Demolition, site surveys for the presence of potentially hazardous building materials shall be reviewed/performed, and a demolition plan for safe demolition of existing structures in Subarea 3 shall be proposed by the developer and incorporated into the project prior to the issuance of construction permits and implemented during construction activities. The demolition plan shall address protection of onsite workers, offsite residents, and occupants in nearby schools from chemical and physical hazards. The demolition plan shall reference, and include by this reference, all provisions of the Removal Action Plan and Healthy and Safety Plan for Subarea 3 as approved by DTSC. DTSC and the City shall review the demolition plan. A demolition permit shall be obtained from the Bay Area Air Quality Management District (BAAQMD), which would review the demolition plan prior to issuance of a permit. All contaminated building materials shall be tested for contaminant concentrations and shall be disposed of at appropriate licensed landfill facilities. Before demolition, hazardous building materials such as peeling, chipping, and friable lead-based paint, window glazing, and building materials containing asbestos shall be removed in accordance with all applicable guidelines, laws, and ordinances. The Demolition Plan shall include a program of air monitoring for dust particulates and attached contaminants. Dust control and suspension of work during dry windy days shall be addressed in the Demolition Plan. Before a demolition permit is obtained from the BAAQMD, an

asbestos demolition survey shall be conducted in accordance with the requirements of BAAQMD Regulation 11, Rule 2.

The California Division of Occupational Safety and Health (DOSH) and OSHA do not define threshold limit values for lead-containing paints and, therefore, paints or coatings containing any detectable amounts of lead are regulated by these agencies' standards, if construction activities covered in the scope of these standards emit lead. The DOSH standards prescribe procedures to be followed based on anticipated exposure resulting from construction activities performed. Demolition procedures may involve potential worker exposure above the DOSH action level for lead. Therefore, the requirements of Guidelines §1532.1 must be followed. These requirements include but are not limited to the following:

- a. Loose and peeling lead-containing paint and window glazing should be removed before building demolition. Workers conducting removal of lead paint and window glazing must receive training in accordance with Guidelines §1532.1.
- b. The lead paint and window glazing removal project should be designed by a lead project designer, project monitor, or supervisor certified by the DHS.
- c. A written Lead Compliance Plan that meets the requirements of the lead construction standard must be prepared by any contractor whose actions would have an impact on lead coatings.
- d. Workers conducting removal of lead paint and window glazing must be certified by DHS in accordance with Guidelines §1532.1.
- e. Workers who may be exposed above the Action Level must have blood lead levels tested before commencement of lead work and at least quarterly thereafter for the duration of the project. Workers who are terminated from the project should have their blood lead levels tested within 24 hours of termination.
- f. A written exposure assessment must be prepared in accordance with Guidelines §1532.1.

(CLASP Mitigation Measure 4.12-2)

5. **Lead Waste.** Prior to issuance of Demolition Permits/During Demolition, any amount of lead waste generated, including window glazing and painted building components, shall be characterized for proper disposal in accordance with Title 22, §66261.24. In addition, compliance with BAAQMD Regulation 11, Rule 1, Lead, which contains procedures that limit daily emissions of lead and ensures "a person shall not discharge an emission of lead, or compound of lead calculated as lead, that will result in ground level concentrations in excess of 1.0 µg/m<sup>3</sup> averaged over 24 hours." This regulation required calculations of and monitoring of lead concentrations to ensure compliance. (CLASP Mitigation Measure 4.12-2)
6. **Remedial Action Workplan.** Prior to issuance of Grading, Demolition or Construction Permits/During On-Site Activities, the RAW developed for Subarea 3, under the oversight of DTSC, shall be incorporated into the project prior to the issuance of construction permits and implemented during construction activities. The workplan includes provisions for safe removal, transportation, disposal and encapsulation of selected contaminated soil from Subarea 3. In compliance with the RAW, approved by DTSC, clean fill shall also be placed over much of Subarea 3, further reducing the potential for exposure of people to residual soil contamination. A detailed Health and Safety Plan shall be prepared to address measures to protect workers, Tribal Monitors, and the community during remedial activities, and shall be reviewed and approved by DTSC. The applicant shall coordinate regularly with the City and the FIGR during finalization of the Final RAW, removal action implementation plan and health and safety plan. (CLASP Mitigation Measure 4.12-3) Any area designated for encapsulation of contaminated cultural resources shall be located below and within proposed private roadway rights-of-way and outside the public rights-of-way.
7. **Testing of Groundwater.** Prior to issuance of Grading, Demolition or Construction Permits/During Excavations, provisions providing that any groundwater removed from excavations in Subarea 3 during construction shall be temporarily stored and tested to determine the appropriate method of treatment and/or disposal shall be incorporated into the project prior to the issuance of construction permits. (CLASP Mitigation Measure 4.12-5)

8. **Hazardous Materials Remediation Plans and Actions.** Prior to issuance of Grading, Demolition or Construction Permits/During Demolition and Remediation, the proposed hazardous materials remediation plans and actions for Subarea 3 shall be implemented to reduce the overall risk to students at the nearby Redwood High School and Hall Middle School. During the demolition and remediation process, special measures shall be taken in accordance with an approved Demolition Plan and RAW to contain and remove potentially hazardous substances and wastes under controlled conditions. The developer shall prepare and submit these plans, which shall be approved by the City prior to the issuance of construction permits. The details of approved truck routes, truck cleaning and inspection, and contingencies in case of spills or accidents shall be addressed in an Implementation Plan that is to be reviewed and approved by DTSC prior to remediation of Subarea 3. The Implementation Plan shall include a Health and Safety Plan, Transportation Plan and Contingency Plan in accordance with Title 8 of the California Code of Regulations section 5192, California Health Safety Code Section 25160 and Title 22 of the California Code of Regulations Section 66236 to assure that all remediation activities are protective of human health and environment. (CLASP Mitigation Measure 4.12-6)

## ORDINANCE NO. 972

### EXHIBIT C PROJECT PLANS

Scope of approval is limited to the Project Plans generally titled Precise Development Plan, Central Larkspur Specific Plan Subarea 3, The Rose Garden, A Mixed Use Residential Development by Larkspur Housing Partners, LLC, dated May 12, 2009, and Tentative Map for Rose Garden Development, Larkspur California, dated revised 2/6/09, and listed below, subject to any changes and amendments included in the conditions of approval as outlined in Exhibit B of this Ordinance.

#### Precise Development Plan (including Excavation/Fill Permit)/Design Review/Use Permit/Circulation Assessment Permit/Archaeological Investigation Permit, and Heritage Tree Removal Permit

- Dahlin Group Sheets A0.01 – A0.03, dated May 12, 2009;
- LDSI Sheets C1 – C20, and C2-A, dated revised 2/6/09;
- Environmental Foresight, Inc Sheets L0.0 – L0.5, L1.1 HOA – L1.5 HOA, L1.1 – L1.7 SFD, L1.1C and L2.1C, L1.1 R – L2.2 R, and L3.1 – L3.5.
- Dahlin Group Sheets A1.01 – A1.53, A2.01 – A2.12, A3.01 – A3.45, dated either September 15, 2008 or December 22, 2008 (Plan A3.44 dated June 11, 2009, dated received June 12, 2009), all others dated received May 13, 2009.
- Dahlin Group, Color and Materials Palette, The Rose Garden, Larkspur, California, Larkspur Housing Partners, dated September 15, 2009, dated received October 27, 2008 (red folder)
- Precise Development Plan Application Documents for The Rose Garden, A Mixed Residential Development, Larkspur Housing Partners, LLC, dated May 12, 2009, dated received May 13, 2009 (white binder)

#### Tentative Map

- LDSI, TM1 – TM17, dated revised 2/6/09, dated received May 13, 2009.
- Revised Civil Engineer's Technical Data, Precise Development Plan and Tentative Map, Central Larkspur Specific Plan Subarea 3, The Rose Garden, A Mixed Residential Development, Larkspur Housing Partners, LLC, dated February 6, 2009, dated received May 25, 2009 (white binder)

The above noted Project Plans are included by reference as though fully set forth herein.