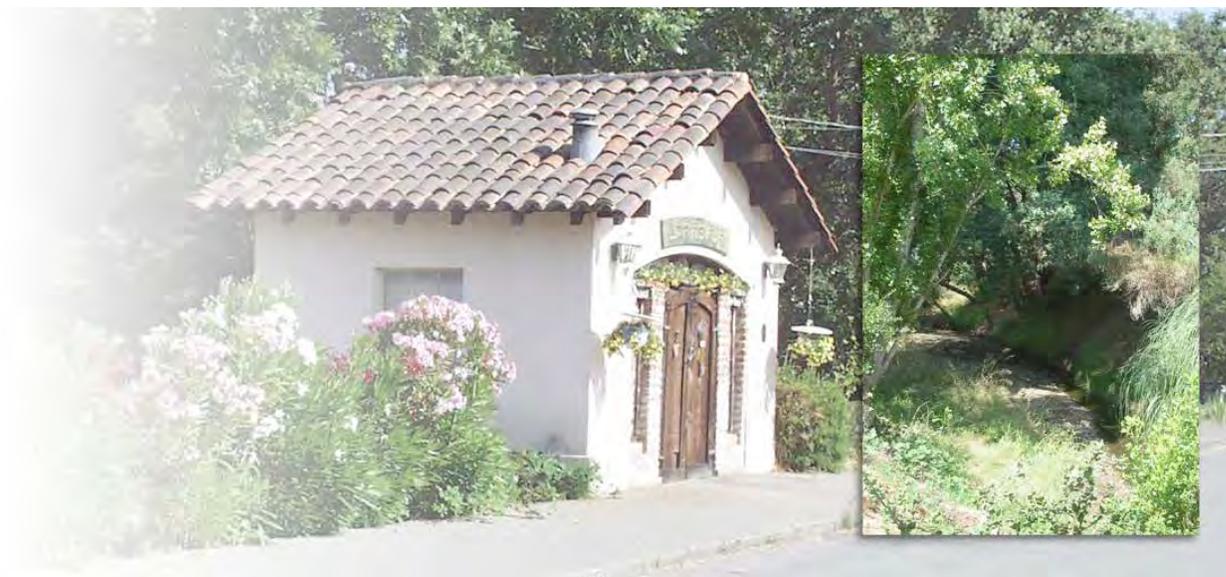


Initial Study
CLASP Subarea 3 (Niven Property/Rose Garden Project)



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November 2009

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ACRONYMS AND ABBREVIATIONS

applicant	Larkspur Housing Partners, LLC
BAAQMD	Bay Area Air Quality Management District
BMP	best management practice
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
City	City of Larkspur
CLASP	<i>Central Larkspur Specific Plan</i>
CMSA	Central Marin Sanitation Agency
CO	carbon monoxide
COPC	chemicals of potential concern
dBA	A-weighted decibels
DTSC	Department of Toxic Substances Control
EIR	environmental impact report
FAR	floor area ratio
IS	Initial Study
JARPA	Joint Aquatic Resources Permit Application
L _{dn}	day-night average noise level
LMC	Larkspur Municipal Code
LOS	levels of service
MMWD	Marin Municipal Water District
MND	Mitigated Negative Declaration
NGVD	National Geodetic Vertical Datum
NMFS	National Marine Fisheries Service
NO _x	oxides of nitrogen
PM ₁₀	particulate matter less than 10 microns in diameter
RAW	Removal Action Workplan
ROG	reactive organic gases
SWPPP	Storm Water Pollution Prevention Plan
TAC	toxic air contaminant
USACE	U.S. Army Corps of Engineers

1 INTRODUCTION

1.1 OVERVIEW AND REGULATORY GUIDANCE

This document is an Initial Study (IS) prepared for the proposed Rose Garden project in Larkspur, California. This document has been prepared for the City of Larkspur (City) to evaluate the potential environmental effects of the proposed project. This document has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15000 et seq.).

An IS is generally prepared by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with State CEQA Guidelines Section 15064(a), an environmental impact report (EIR) must be prepared if there is substantial evidence that a project may have a significant effect on the environment. Once a project or program EIR has been certified or a negative declaration adopted for a project, a subsequent EIR or negative declaration may be prepared if there is substantial evidence that there are substantial changes to the project or the project circumstances as outlined pursuant to Sections 15162 of the State CEQA Guidelines. Pursuant to State CEQA Guidelines Section 15164, an addendum may be prepared if “some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”

The City, as lead agency for the project under CEQA, has determined that the current application for a Precise Development Plan and other approvals for the Rose Garden Project differs sufficiently from the project evaluated in the *Central Larkspur Specific Plan (CLASP)* EIR such that, in accordance with Section 15164 of the State CEQA Guidelines, minor modifications and clarifications to the EIR warrant preparation of an addendum to the CLASP EIR. The EIR Addendum (hereafter referred to as the “Addendum”) is supported by the information and analysis contained in this IS.

As described in the Addendum, the City has determined that the minor project changes described in detail in this IS do not require a subsequent EIR or negative declaration under State CEQA Guidelines Section 15162, and the City has further determined that the CLASP EIR, 2007 IS/Mitigated Negative Declaration (MND) (described below), and Addendum (supported by this IS) adequately address the potential environmental impacts of the proposed project.

1.2 LEAD AGENCY

The lead agency is the public agency that has primary responsibility over approval of the proposed project. In accordance with State CEQA Guidelines Section 15051(b)(1), “The lead agency will normally be an agency with general governmental powers, such as a city or a county, rather than an agency with a single or limited purpose.” The City of Larkspur is the lead agency for the proposed project.

1.3 PREVIOUS ENVIRONMENTAL DOCUMENTS

A full-scope EIR was completed for the *Central Larkspur Specific Plan (CLASP)* in 2004 and the EIR was certified and the CLASP approved in 2006. The EIR analyzed the potential environmental impacts associated with implementation of the CLASP. The CLASP (City of Larkspur 2006) does not propose the development of any individual projects, but provides a framework for future development within the three CLASP planning units or subareas within the CLASP area. Because of the general (rather than project-specific) focus of the CLASP, the EIR was prepared as a program EIR rather than a more detailed “project” EIR, pursuant to State CEQA Guidelines Section 15168. Because an EIR was previously prepared on an earlier version of the CLASP, the draft EIR for the CLASP (City of Larkspur 2003) is referred to throughout this document as the “Revised Draft EIR.” The CLASP Final EIR (City of Larkspur 2004) was prepared in 2004.

Following certification of the CLASP EIR, an initial preliminary development plan application for Subarea 3 was submitted. During review of the application, it was determined that further environmental analysis was required. An IS/MND (hereafter referred to as the “2007 IS/MND”) was prepared for the CLASP Subarea 3 Preliminary Development Plan (City of Larkspur 2007) and discussed only those issues related to the project plans that were not adequately addressed in the certified EIR. Specifically, the 2007 IS/MND focused on potential impacts associated with the removal of 173 mature trees including 71 heritage trees, relocation of one heritage tree, amendments to the CLASP, and exceptions to CLASP standards. The Revised Draft EIR had assumed that no mature trees would be removed and that all trees that met the definition of heritage trees and trees identified in CLASP Standard D-66, “Trees to Be Retained,” would be protected. The 2007 IS/MND was approved by the Planning Commission in June 2008, and approved by the City Council in July 2008. The preliminary development plan was also approved in July 2008. An addendum to the 2007 IS/MND was prepared in June 2009 (City of Larkspur 2009) to address a misidentified bay tree (that was to be saved, but is to be removed), five additional trees to be removed (four heritage and one nonheritage), and changes in the tree removal plan to retain 10 nonheritage trees.

Since approval of the preliminary development plan, the applicant has further refined the project and other changes have emerged. This IS evaluates the potential environmental effects of the proposed project considering the previously approved CLASP, certified CLASP EIR, and approved 2007 IS/MND. The project incorporates mitigation measures, as previously adopted, to reduce or eliminate any potentially significant project-related impacts.

The analysis and conclusions of this IS are partially based on, and are consistent with, the CLASP EIR and the 2007 IS/MND. Copies of the CLASP Revised Draft EIR, CLASP Final EIR, the 2007 IS/MND, and the 2007 IS/MND Addendum are incorporated herein by reference and are available for review at the Larkspur Planning Department, 400 Magnolia Avenue, Larkspur during normal business hours. The documents are also available for review on the City’s Web site: <http://www.larkspurcityhall.org>.

1.4 DOCUMENT ORGANIZATION

This document is organized as follows:

Chapter 1: Introduction describes the regulatory context, purpose and organization of this document.

Chapter 2: Project Description describes the purpose of and need for the proposed project, the project location, and provides a detailed description of the proposed project.

Chapter 3: Environmental Setting, Impacts, and Mitigation Measures, organized by environmental issue, describes the environmental setting (where appropriate) and evaluates the environmental impacts that may result from implementation of the project and project changes. Impacts are listed as “no impact,” “less-than-significant impact,” “less-than-significant impact with mitigation incorporated,” “impact for which revised draft EIR is sufficient,” or “potentially significant impact.” A “potentially significant impact,” as defined herein, is an environmental effect for which mitigation would not clearly reduce the impact to a less-than-significant level; in which case an EIR would be required. Mitigation measures are incorporated, where appropriate, to mitigate significant impacts to less-than-significant levels. For this project, previously adopted mitigation measures from previous environmental documents (see Appendix A) have been applied where needed to reduce all potentially significant impacts to a less-than-significant level. No new or additional mitigation measures are needed.

Chapter 4: References lists the references used in preparation of this IS.

Chapter 5: List of Preparers identifies the preparers of this IS.

1.5 SUMMARY OF FINDINGS

Chapter 3 of this document contains the environmental setting, impacts, and mitigation measures. Based on the environmental resources evaluated in that chapter and the supporting environmental analysis provided in this document, the CLASP EIR, and the 2007 IS/MND, implementation of the proposed project would result in no impacts or less-than-significant impacts for the following environmental issue areas:

- ▶ Agricultural Resources
- ▶ Land Use and Planning
- ▶ Mineral Resources
- ▶ Population and Housing
- ▶ Public Services
- ▶ Recreation
- ▶ Utilities and Service Systems

Implementation of the proposed project would result in less-than-significant impacts following implementation of previously adopted mitigation for the following environmental issue areas:

- ▶ Aesthetics
- ▶ Air Quality
- ▶ Biological Resources
- ▶ Geology and Soils
- ▶ Hazards and Hazardous Materials
- ▶ Hydrology and Water Quality
- ▶ Noise

For the following environmental issue areas, impacts associated with implementation of the proposed project were adequately addressed in the Revised Draft EIR:

- ▶ Cultural Resources
- ▶ Transportation and Traffic

In accordance with State CEQA Guidelines Section 15164, an addendum to an EIR or negative declaration shall be prepared to a previously certified EIR or approved negative declaration if “some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration occur.” This IS is based on a review of the CLASP EIR, and the 2007 IS/MND and Addendum and the changes to the project since the Preliminary Development Plan approval in July 2008. Though there are extensive changes to the project relative to grading in the natural resource buffer areas, the removal of trees adjacent to Larkspur Creek, and potential on-site encapsulation of contaminated cultural resources, there is no substantial evidence that the project and the proposed changes result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects requiring major revisions to the CLASP EIR and 2007 IS/MND. Because the CLASP EIR and 2007 IS/MND adequately address both the significant impacts associated with the project and project revisions and the necessary mitigation measures, the appropriate CEQA clearance document is an Addendum to the prior EIR and MND and the project is proposed to be processed as such.

1.6 PUBLIC REVIEW AND COMMENT

As provided in Section 15164 of the State CEQA Guidelines, the Addendum (and this IS) need not be circulated for public review, but shall be considered with the prior environmental documents before making a decision on this project.

This IS, CLASP EIR/MND Addendum, CLASP EIR, and 2007 IS/MND and Addendum are all available for public review at the Larkspur Planning Department, 400 Magnolia Avenue, Larkspur. The documents are also available for review on the City's Web site: <http://www.larkspurcityhall.org>.

1.7 PROJECT CONSISTENCY WITH LAND USE CONTROLS

According to State CEQA Guidelines Section 15063(d)(5), an IS shall contain in brief form “an examination of whether the project would be consistent with existing zoning, plans, or other applicable land use controls.” The following discussion examines the proposed project's consistency with existing zoning, plans, and other applicable land use controls.

Pages 4.1-12 to 4.1-15 of the CLASP Revised Draft EIR provide an analysis of the land uses and the planning environment in the CLASP area based on review of the *Larkspur General Plan*, *Larkspur Downtown Specific Plan*, *Zoning Ordinance*, and the *Larkspur Park Dedication Ordinance*. The project applicant is proposing to construct a residential housing development on the former Niven Nursery site within the CLASP area. The applicant has requested approval of permits from the City to allow demolition of nursery structures, further archaeological investigations, remediation of the site, and construction of 85 dwelling units and six second units on the 16.8-acre site known as Subarea 3 of the CLASP. The proposed Rose Garden project would consist of single-family homes, cottages, senior units, a community park, and open space. Proposed project land uses would be consistent with those contemplated in the CLASP. In addition, because the proposed project would involve development within Subarea 3 of the CLASP, the analysis contained in the Revised Draft EIR is applicable to the proposed project. As described on pages 4.1-12 to 4.1-15 of the Revised Draft EIR, development within Subarea 3 of the CLASP would be consistent with existing zoning, plans, and other applicable land use controls.