

## 2 PROJECT DESCRIPTION

### 2.1 INTRODUCTION

Larkspur Housing Partners, LLC (applicant), is proposing to construct a residential housing development on the former Niven Nursery site within the Larkspur city limits. The applicant has requested approval of permits from the City of Larkspur (City) to allow demolition of nursery structures, further archaeological investigations, remediation of contaminated soils on the site, and construction of 85 dwelling units and six second units on the 16.8-acre site known as Subarea 3 of the *Central Larkspur Specific Plan* (CLASP). The proposed Rose Garden project would consist of single-family homes, cottages, senior units, a community park, and open space.

### 2.2 PROJECT LOCATION

The City of Larkspur is located in Marin County, California, approximately 3 miles south of San Rafael and 10 miles north of San Francisco. The CLASP area is located in central Larkspur near downtown. Subarea boundaries have been established to define three distinct planning units within the CLASP area. The Rose Garden project is located at 2 Ward Street within Subarea 3 of the CLASP (Exhibit 2-1), and is bounded by a mix of commercial uses to the west, Doherty Drive to the north, a high school district corporation yard and Redwood High School to the east, and single-family residences to the south and southwest. Larkspur Creek borders the site on the south and east. Regional access to the City of Larkspur and the proposed project site is provided by U.S. Highway 101.

### 2.3 BACKGROUND AND NEED FOR THE PROPOSED PROJECT

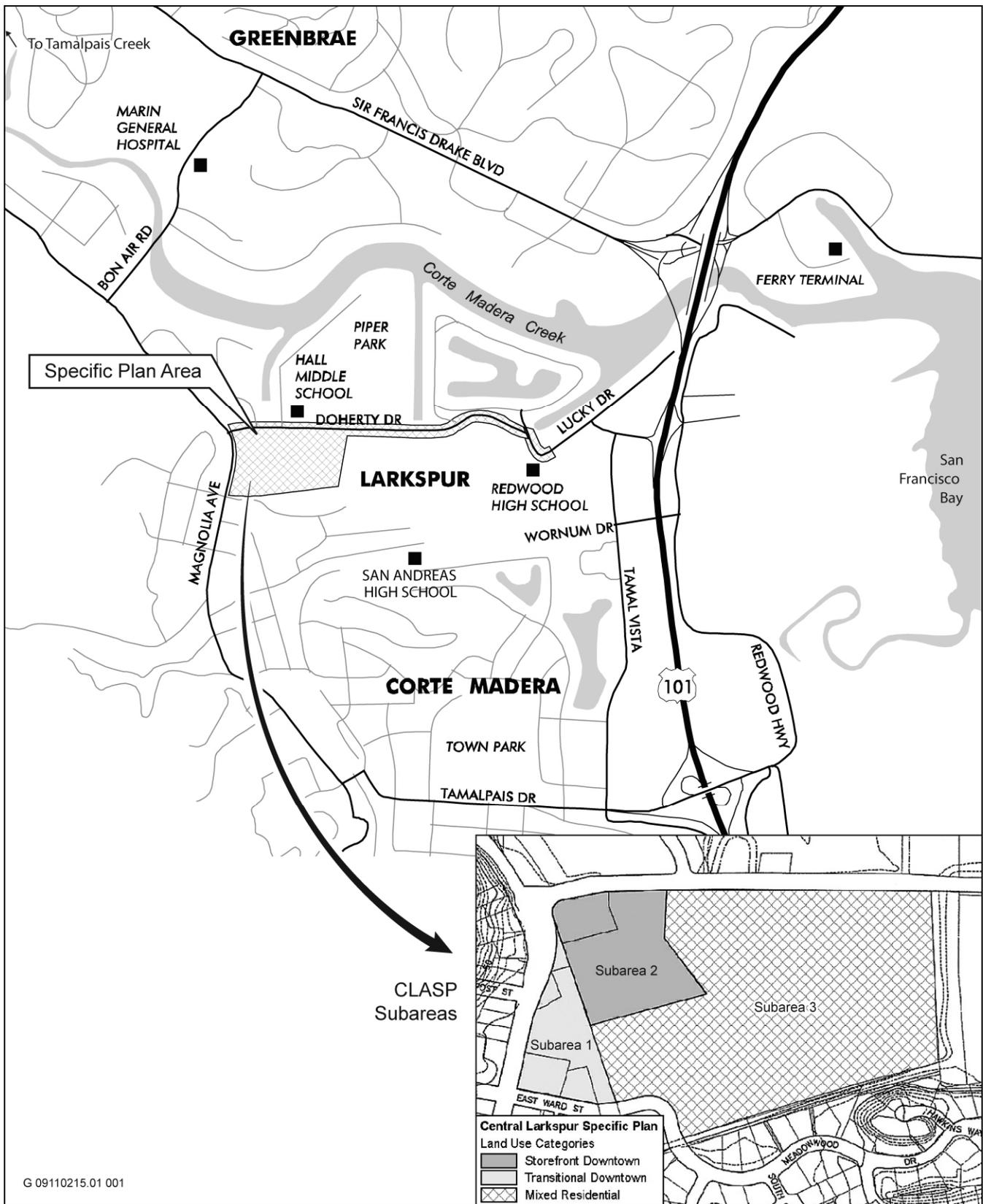
A full environmental impact report (EIR) was completed for the CLASP in 2004 and the EIR was certified and the CLASP approved in 2006. Following certification of the CLASP EIR, the applicant submitted an initial preliminary development plan application for Subarea 3 (Subarea 3 encompasses what has been commonly referred to as the Niven property). During review of the initial application, it was determined that further environmental analysis (in the form of an initial study/mitigated negative declaration [IS/MND]) was required to address proposed tree removal that was not contemplated in the EIR. The IS/MND was circulated in September 2007 and the MND was approved and recommended for adoption by the Planning Commission on June 10, 2008, and approved by the City Council on July 9, 2008. The Rose Garden project also received approval of the preliminary development plan on July 9, 2008.

Since approval of the preliminary development plan, the applicant has further refined the project and is currently requesting approval of the precise development plan, amendments to the preliminary development plan to allow further exceptions to the CLASP, approval of the tentative map, approval of a heritage tree removal permit for up to 77 heritage trees (including tree to be removed and relocated), and other approvals.

### 2.4 DESCRIPTION OF THE PROPOSED PROJECT

The Rose Garden project would involve the construction of 85 dwelling units and six second units. The housing mix includes six cottage-style homes, 29 single-family homes, and 50 senior units (42 multifamily units and eight cottage units). The overall proposed density for the 16.8-acre property is 5.0 dwelling units per gross acre as allowed in the CLASP for Subarea 3. A land donation or dedication of 2.79 acres would be used for a community facility or park site (Exhibit 2-2).

The proposed project involves several requested approvals from the City and project changes associated with grading in natural resource buffer areas, the removal of trees adjacent to Larkspur Creek, and potential on-site encapsulation of contaminated cultural resources.



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Source: Data provided by AECOM in 2009

**Specific Plan Area Location and CLASP Subareas**

**Exhibit 2-1**



Source: Data provided by Dahlin Group Architecture and Planning in 2009

**Illustrative Site Plan**

**Exhibit 2-2**

## REQUESTED APPROVALS

The project application requests approval of the following:

1. **Amendments to the Preliminary Development Plan (Ordinance No. 962).** This is a request to allow exceptions to the CLASP and changes in the Preliminary Development Plan pursuant to Larkspur Municipal Code (LMC) Section 18.55.060:
  - (a) Amendment to allow an exception to CLASP Standard D-33 (i.e., 25-foot rear yard setback) and LMC 18.20.040 (i.e., 15-foot height limit for accessory structures) for Lot 3, to allow a detached garage/second unit structure exceeding the 15-foot height limit to encroach 14 feet into the required 25-foot rear yard setback.
  - (b) Amendment to Ordinance No. 962, Development Standard 18(d), which identified the lots upon which the second units would be located, and Development Standard 6(a), which identified the floor area ratios (FARs) pursuant to lot size and the preliminary development plan (Plan 2) The requested amendment would allow relocation of three second units, resulting in decreased FARs on three lots and an FAR increase of up to 0.43 for three lots. The request includes an exception to the 0.40 FAR standard established for Subarea 3 in CLASP Standard LU 10C for the three lots with a proposed FAR of 0.43.
  - (c) Amendment to allow removal of a bay heritage tree that was misidentified as an oak and identified for preservation.
  - (d) Amendment to reduce the open space land donation from 2.0 acres to 1.95 acres.
  - (e) Amendment, if necessary, to revise the CLASP depiction of Doherty Drive (CLASP Policy T-2 and Figure 5-2) to meet the City's updated street design requirements.
2. **Precise Development Plan.** The request includes approval of an excavation and fill permit for moving 54,000 cubic yards on-site, removal of 1,000 cubic yards for soil remediation, and import of 25,000 cubic yards pursuant to LMC Section 15.20.100. (Note: An additional 6,000–7,000 cubic yards of fill would be needed for the community facility site.)
3. **Tentative Map.** Approval of the tentative map is required to allow subdivision of 16.8 acres into 35 single-family residential lots and seven parcels composing the dedicated community facility site, common open space areas, and a parcel for the 50-unit senior condominium subdivision.
4. **Design Review.** Design review approval is required under LMC Chapter 18.64. In addition, the request includes approval of tandem parking for cottage homes pursuant to Development Standard 12 of Ordinance No. 962.
5. **Conditional Use Permit for Senior Housing.** Use permit approval is required under Appendix C of the CLASP and LMC Chapter 18.76. CLASP Policy LU-32A encourages senior housing on a portion of Subarea 3. Once a use permit for senior housing is approved in accordance with the development standards in Appendix C, the land shall not be used for any other purpose other than senior housing.
6. **Circulation Assessment Permit.** Because the application involves new construction, a circulation assessment permit is required. Approval is required under LMC Chapter 18.14.
7. **Archaeological Investigation Permit.** LMC Section 15.42.030 outlines the provisions for requiring an archaeological investigation permit. The provisions require that a permit be obtained “whenever construction or other activities” may affect a recorded resource.

8. **Heritage Tree Removal Permit.** This permit is required for removal of up to 74 heritage trees and approval of an addendum to the IS/MND is required to address a misidentified tree required to be preserved; five additional trees identified in an updated tree survey, including one heritage Bailey acacia to be removed; and changes in the tree removal plan to save 10 nonheritage trees, including one coast live oak, and remove five liquidambar trees. The MND identified 71 heritage trees to be removed.
9. **Development Agreement.** CLASP Implementation Policy 8.2-4, “Development Agreement for Subarea 3,” states: “As may be appropriate, a development agreement should be used to ensure a project meets the goals and objectives of the plan relative to community benefit.” The agreement will need to be completed and approved by the City Council once project approvals are granted.

## PROJECT REVISIONS

The applicant has further refined the project and changes have emerged since approval of the CLASP EIR in 2006, the MND in 2008, and the preliminary development plan in 2008. Project changes involve grading in natural resource buffer areas, the removal of trees adjacent to Larkspur Creek, and potential on-site encapsulation of contaminated cultural resources. These project changes are described below.

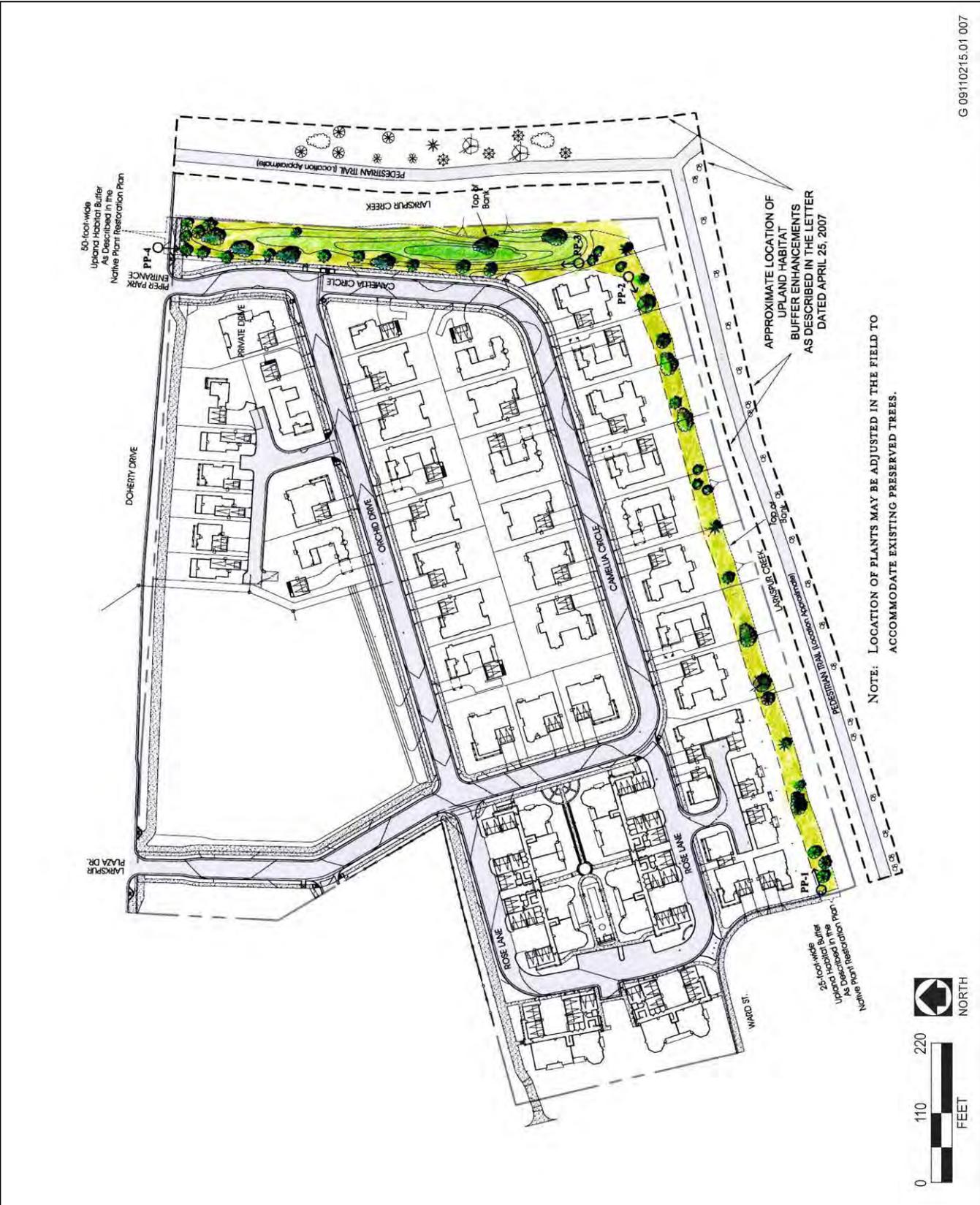
### NATURAL RESOURCE BUFFER AREA GRADING

As described in CLASP Policy D-65, “Natural Resource Protection Standards,” Standard D-63, “Creek Setback,” building setbacks and natural resource buffers shall be maintained along Larkspur Creek for the purposes of water quality and natural habitat protection and to assist in providing a visual and noise buffer. On the north-south reach of the creek at the eastern edge of the Specific Plan area, the natural resource buffer shall be at least 50 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 natural resource buffer shall be at least 25 feet wide from the top of bank (Exhibit 2-3).

Grading for the proposed project would extend to the top of the Larkspur Creek bank. The area within the 25-foot-wide natural resource buffer along the east-west reach of the creek and the 50-foot-wide natural resource buffer along the north-south reach of the creek would be excavated approximately 8 inches to remove invasive weed species per the revised native plant restoration plan. The 50-foot-wide natural resource buffer along the north-south reach of the creek also would be excavated (up to 4.71 feet in some areas) to create a single biodetention swale covering more than 85% of the natural resource buffer and extending almost its entire length. The swale would be 3–4 feet deep at its lowest point (Exhibit 2-4).

Implementation of the native plant restoration plan for the project further describes grading of the project site. As described in the approved native plant restoration plan (dated June 3, 2008), invasive weed species would be aggressively removed with grubbing and clearing techniques. Weed removal would include removal of the seed layer. The approved plan includes an extensive list of recommended hand tool methods for weed eradication. The applicant has submitted a revised native plant restoration plan (dated July 14, 2009) to clarify that weed eradication would involve the following:

- ▶ use of heavy mechanical equipment (i.e., bulldozer, excavator, tire-mounted bobcat) to grub and clear nonnative trees and shrubs in the natural resource buffer areas within upland habitat;
- ▶ removal of approximately 8 inches of topsoil;
- ▶ addition of fill material within the 25-foot-wide natural resource buffer area within upland habitat to establish a 2% grade from the outer edge of the development to the top of bank on the northern side of the east-west reach of Larkspur Creek;

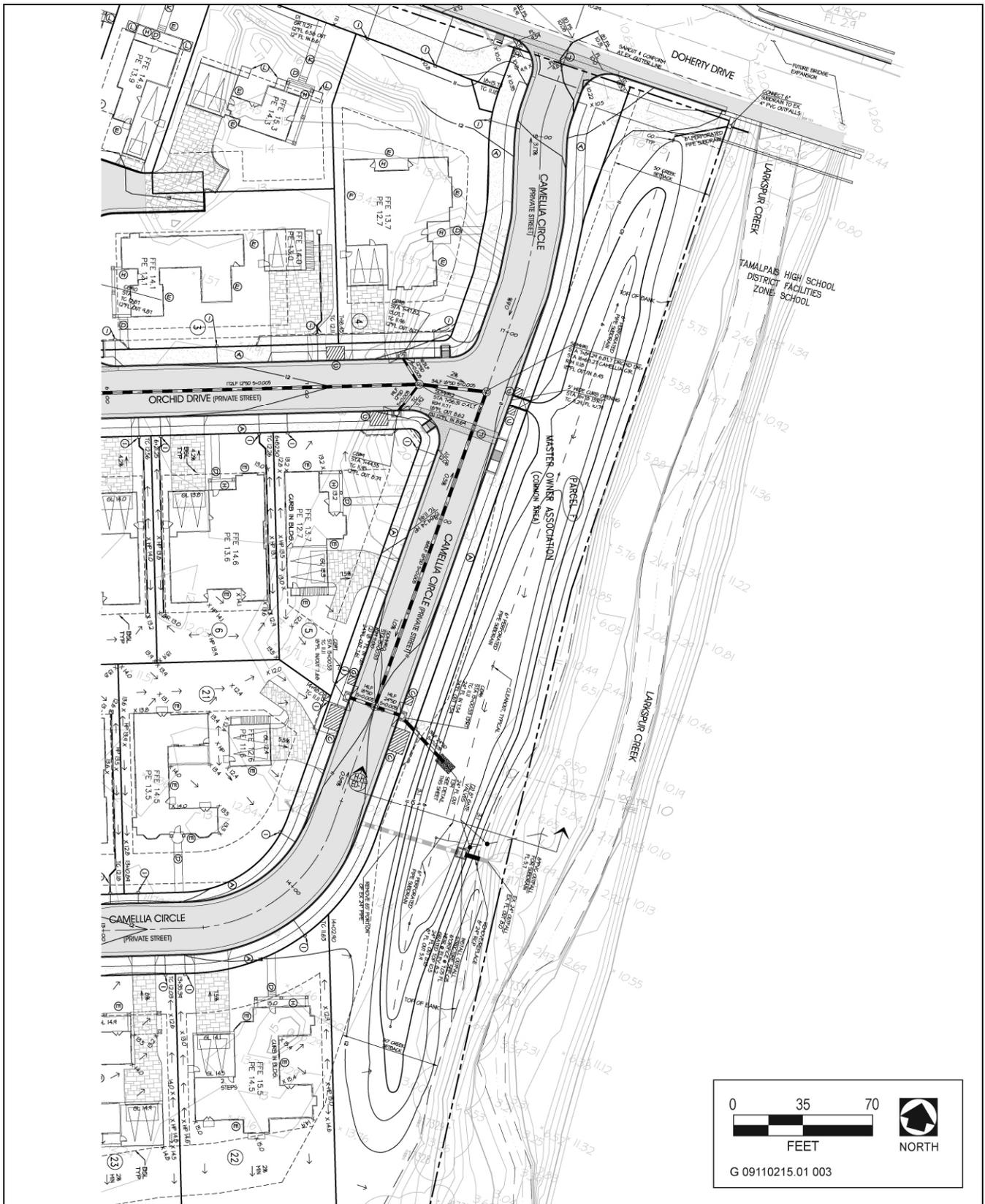


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Source: Data provided by LSA Associates in 2009

**Natural Resource Buffers**

**Exhibit 2-3**



Source: Data provided by Land Development Solutions, Inc., in 2008

**Detention Basin**

**Exhibit 2-4**

- ▶ grading in the 50-foot-wide natural resource buffer area within upland habitat for a biofiltration basin and surrounding buffer plantings within upland habitat between the Camellia Circle right-of-way and the top of bank on the western side of the north-south reach of Larkspur Creek; and
- ▶ installation of native plant species to replace nonnative species in the natural resources buffer areas within upland habitat.

In addition, upland-habitat buffer enhancement measures and creek enhancement measures would involve removal of nonnative plants and invasive weeds in the natural resource buffer areas in upland habitat along the south and east sides of Larkspur Creek, and the planting of native trees and shrubs along the south and east sides of Larkspur Creek. In addition, creek enhancement measures would be implemented along the east-west reach of Larkspur Creek bordering the southern property boundary, including the removal of nonnative grass and vegetation along the northern bank and replacement with more desirable native grass and trees, the placement of rock riprap where erosion has occurred along the toe of the slope along the southern banks of the creek, grading of the creek slopes to create small inlets with more gradual slopes at a ratio of approximately 3:1 (horizontal: vertical), and revegetation with native grasses and woody vegetation.

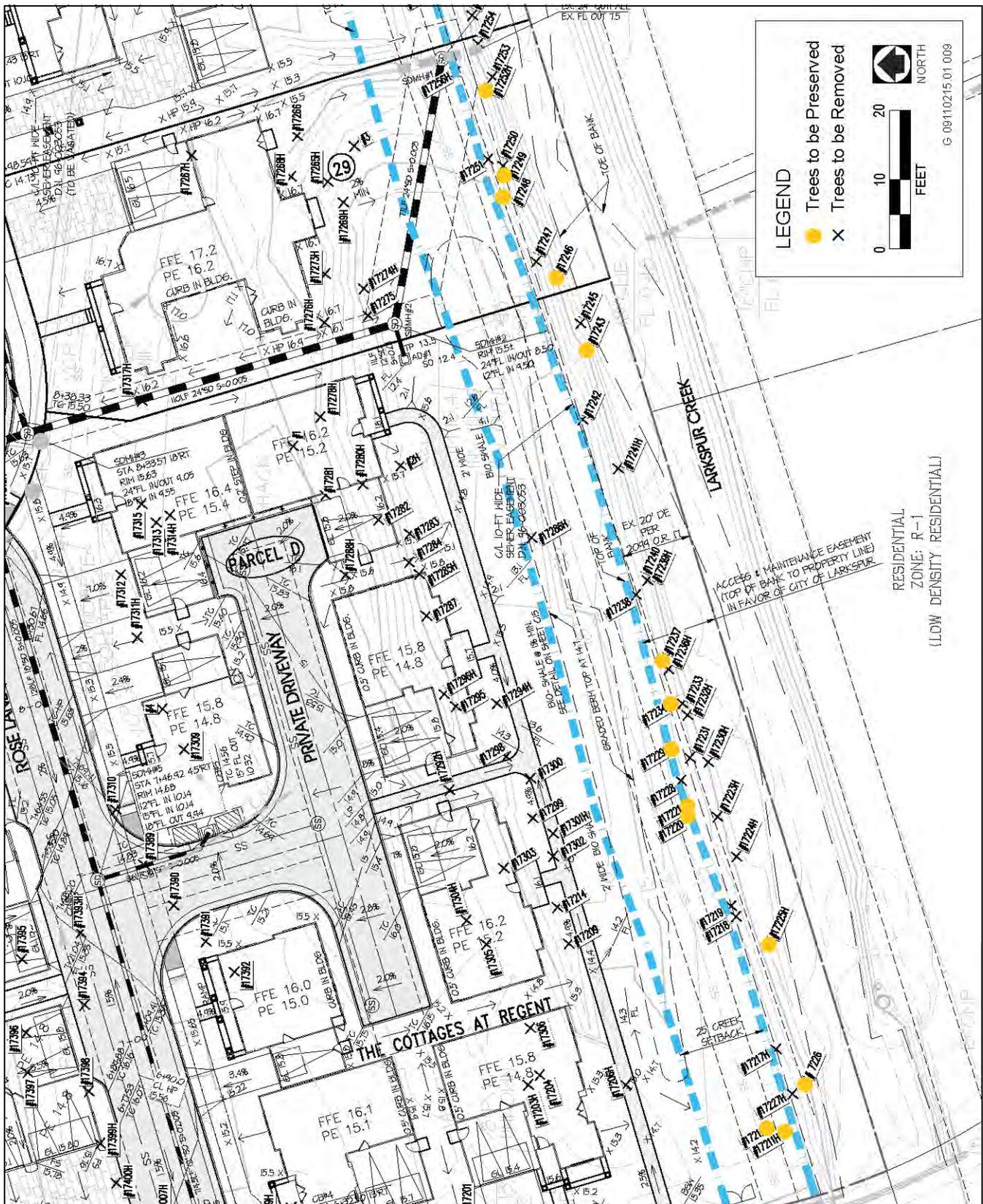
## **TREE REMOVAL**

The EIR assumed that no mature trees would be removed and that all trees that meet the definition of heritage trees and trees identified in CLASP Design Standard 66, “Trees to be Retained,” would be protected. Based on an updated preliminary development plan, a tree inventory report prepared in 2007 concluded that 71 trees that meet the City’s definition of a heritage tree would be removed from Subarea 3, and one heritage tree would be removed and relocated. An IS/MND prepared for the CLASP Subarea 3 Preliminary Development Plan and focused on tree removal (dated September 2007) identified impacts and proposed mitigation measures associated with nesting birds and removal of heritage trees. Other biological impacts such as impacts on riparian and fish habitat were not considered in the 2007 IS/MND.

Since preparation of the 2007 IS/MND, the applicant has applied for a heritage tree removal permit to remove a mix of 74 heritage-sized trees. In June and July 2009, the applicant identified acacia trees in the 25-foot-wide natural resources buffer area and along the bank of the creek adjacent to the southern border of the property that could be preserved. Trees identified for preservation and removal in the southwest portion of the project site near Ward Street are shown in Exhibit 2-5. Individual trees are identified by a five-digit number starting with “17” (e.g., #17225). Trees proposed for removal are accompanied by an “X,” and trees that would be preserved are accompanied by a dot. A tree list correlating to the numbers is included as Appendix B of this IS.

## **ON-SITE ENCAPSULATION OF CULTURAL RESOURCES**

The Niven family has owned and operated a nursery in CLASP Subarea 3 since 1920. Certain pesticides were used at the property in conjunction with the nursery operation, and lead-based paint was also used in the past to paint the greenhouses. Studies undertaken at the site identified chemicals that are listed as hazardous or carcinogenic by the U.S. Environmental Protection Agency and California Environmental Protection Agency. The California Department of Toxic Substances Control (DTSC) requested that portions of the project site be remediated by the removal of contaminated soil to reduce the health risk to an acceptable level. As described in the EIR, a draft removal action workplan (RAW) was prepared in 2002 and a total of 904 cubic yards of lead-contaminated soil was identified for removal as part of the RAW.



Source: Data provided by Land Development Solutions, Inc., in 2008

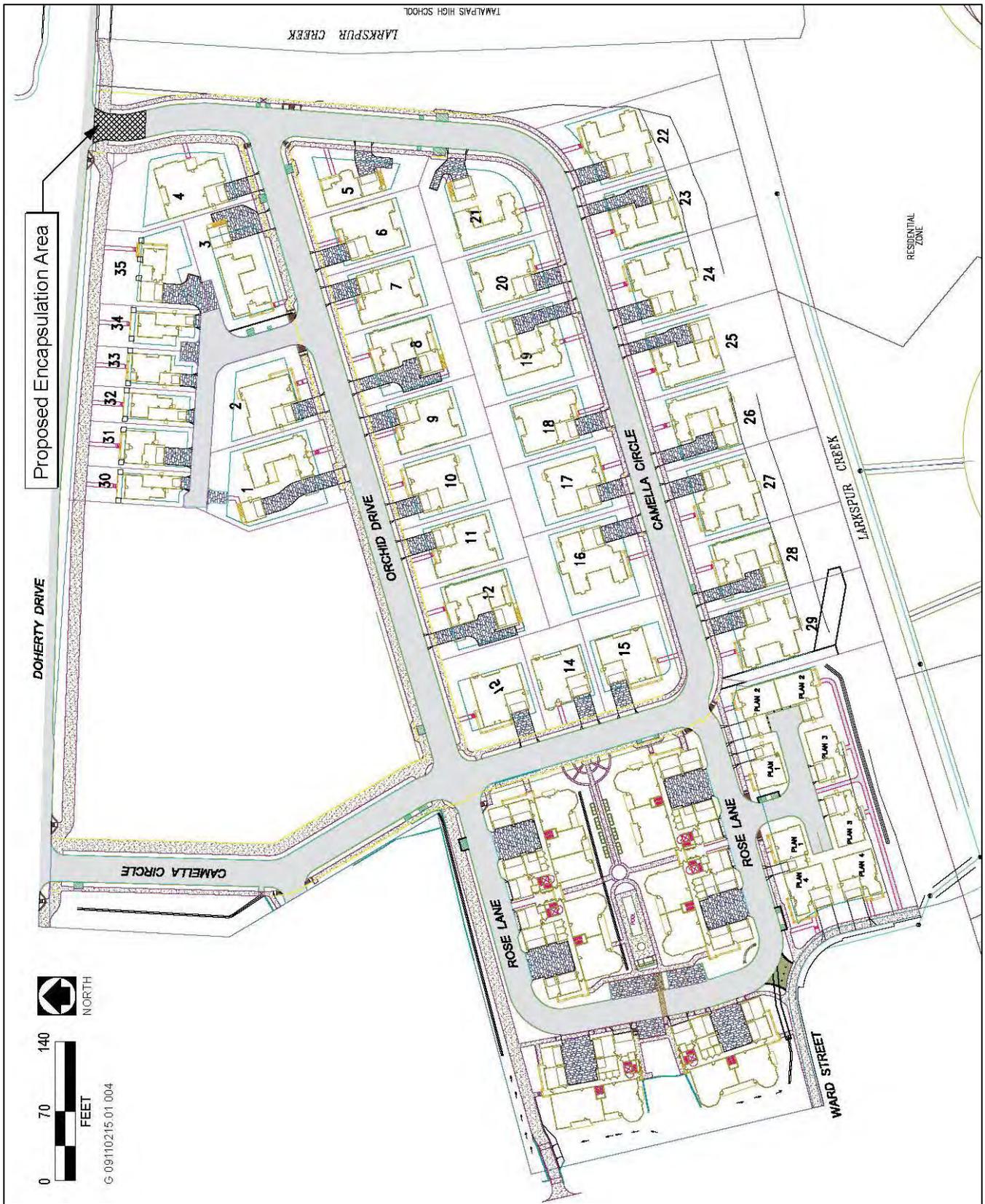
**Existing Tree Location Map for a Portion of the Project Site**

**Exhibit 2-5**

Since preparation of the CLASP EIR, the Federated Indians of Graton Rancheria have requested that any cultural resources contained in the soil identified for removal from the project site be retained on-site. Because contaminated soil could contain cultural resources, the applicant and DTSC have revised the draft RAW (see Appendix C) to encapsulate contaminated cultural resources on-site below Camellia Circle in the northeast corner of the site (Exhibit 2-6). As stated in the Final RAW, any cultural materials (e.g., bone, stone, shellfish fragments) found in contaminated soil during construction would be sifted out of the soil and further evaluated by a professional archaeologist. Testing of materials would only be performed if a significant amount of lead is likely to be associated with the cultural resource. Discrete items, such as bone fragment, would not likely have a significant amount of lead, while midden mixed in with soil may. If, after testing, the sifted-out cultural resources were found to be contaminated, they would be encapsulated in concrete and reburied on-site. Contaminated soils that once surrounded cultural resources would be hauled away and all nontoxic midden soils would be left on-site.

## **2.5 PROJECT PERMITS AND APPROVALS**

As lead agency for the proposed project, the City has discretionary authority to approve and implement the project. Federal and state agencies responsible for issuing permits or providing other project approvals that may be needed include the San Francisco Bay Regional Water Quality Control Board (National Pollutant Discharge Elimination System permit for construction, storm water pollution prevention plan and associated best management practices, and Section 401 water quality certification), U.S. Army Corps of Engineers (Section 404 permit for construction within waters of the United States), National Marine Fisheries Service (Section 7 Endangered Species Act consultation), California Department of Fish and Game (Section 1602 streambed alteration agreement), and DTSC (approval of the RAW and health and safety plan).



Source: Data provided by ENVIRON in 2009

**Proposed Cultural Resources Encapsulation Area**

**Exhibit 2-6**