

### 3 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

PROJECT INFORMATION		
1. Project Title:	CLASP Subarea 3 (Niven Property/Rose Garden Project)	
2. Lead Agency Name and Address:	City of Larkspur 400 Magnolia Avenue, Larkspur, CA	
3. Contact Person and Phone Number:	Nancy Kaufman, Planning Director (415) 927-5025	
4. Project Location:	2 Ward Street, Larkspur	
5. Project Sponsor's Name and Address:	Larkspur Housing Partners, LLC 1800 Alma Avenue, #311, Walnut Creek, CA 94596	
6. General Plan Designation:	Low Density Residential	
7. Zoning:	Planned Development	
8. Description of Project:	See Chapter 2, "Project Description"	
9. Surrounding Land Uses and Setting:	See Section 2.2, "Project Location," in Chapter 2, "Project Description"	
10. Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement)	See Section 2.5, "Project Permits and Approvals," in Chapter 2, "Project Description"	
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:		
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.		
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology & Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Land Use & Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population & Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation / Traffic
<input type="checkbox"/> Utilities & Service Systems	<input type="checkbox"/> Mandatory Findings of Significance	<input checked="" type="checkbox"/> None with Mitigation <sup>1</sup>

<sup>1</sup> 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.

**DETERMINATION (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Nancy Kaufman  
Signature

11-16-09  
Date

Nancy Kaufman  
Printed Name

Planning Director  
Title

City of Larkspur  
Agency

## EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:  
the significance criteria or threshold, if any, used to evaluate each question; and  
the mitigation measure identified, if any, to reduce the impact to less than significance.

### 3.1 AESTHETICS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>I. Aesthetics. Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### DISCUSSION

**a) Have a substantial adverse effect on a scenic vista?**

**Less-than-Significant Impact.** A scenic vista is generally considered a view of an area that has remarkable scenery or a resource that is indigenous to the area. The CLASP area is not located within or in the vicinity of a formally identified scenic vista. As described on pages 4.10-6 and 4.10-7 of the Revised Draft EIR, although Mt. Tamalpais is visible from several locations, views of the mountain are partially obstructed or are not specifically regarded as “scenic vistas.” In addition, development in the CLASP area would not substantially block views of the mountain from public spaces beyond the CLASP boundaries. Overall, the CLASP would retain a view corridor and would not substantially block mountain views from off-site public spaces. Therefore, the proposed project would not have a substantial adverse effect on a scenic vista, and this impact would be less than significant.

**b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

**Less-than-Significant Impact.** A scenic resource is generally a resource, landmark, or area that has been noted for its outstanding scenic qualities and is protected because of those qualities. A scenic resource within a state scenic highway is the same such resource, but visible from a state-designated scenic highway. There are no eligible or officially designated state scenic highways in the vicinity of the CLASP area (Caltrans 2007). In addition, as described on pages 4.10-7 to 4.10-9 of the Revised Draft EIR, CLASP policies would ensure that the heritage trees to be saved are integrated with pedestrian and bicycle routes, and the scenic values of Larkspur Creek are enhanced. Because the CLASP area is not located in the vicinity of a state scenic highway, and CLASP policies would ensure enhancement of scenic values of Larkspur Creek, this impact would be less than significant.

**c) Substantially degrade the existing visual character or quality of the site and its surroundings?**

**Less-than-Significant with Mitigation Incorporated.** In most of the CLASP area, development would result in a change in visual character but no degradation. Subarea 3 of the CLASP is currently dominated by abandoned

greenhouses that are in a dilapidated condition. CLASP design policies for Subarea 3 would provide for a neighborhood design that is unique, yet compatible with surrounding residential neighborhoods. As described on pages 4.10-9 to 4.10-11 of the Revised Draft EIR, CLASP policies related to building design, building location and height, neighborhood design, and other elements would provide for continued protection of the visual quality of central Larkspur. In addition, as described on pages 13 and 14 of the 2007 IS/MND, project implementation would result in the removal of 173 trees, including 71 heritage trees, and mitigation is identified to reduce this impact to a less-than-significant level. To minimize visual impacts from the project, Mitigation Measure Aesthetics-1 (i.e., Mitigation Measure Biology-2) of the 2007 IS/MND requires the applicant to replace heritage trees at a ratio of either four new trees or two new trees for every tree removed (depending on tree diameter), and to take other related actions to minimize visual impacts from the project. Because CLASP policies would provide for the continued protection of the visual quality of central Larkspur, and the applicant has agreed to implement 2007 IS/MND Mitigation Measures Aesthetics-1 and Biology-2, the proposed project would not substantially degrade the existing visual character or quality of the site. Therefore, this impact would be less than significant.

**d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

**Less-than-Significant Impact.** As described on page 4.10-12 of the Revised Draft EIR, new structures would replace currently unused greenhouses and vehicle parking areas and would represent new sources of light and glare. However, CLASP policies require street lighting to be installed in a manner to prevent light from spilling over onto adjacent residences. In addition, surrounding land uses currently generate light and glare. Because the CLASP area is located in the midst of existing land uses that currently generate light and glare and CLASP Standard D-56 requires street lighting to be installed in a manner to prevent light from adversely affecting facing residences, the amount of light and glare that would be added to the ambient environment with development of the proposed project area would not be regarded as substantial. Therefore, this impact would be less than significant.

### 3.2 AGRICULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>II. Agricultural Resources.</b>				
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</p> <p>Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

**a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**No Impact.** As discussed on page 4.1-15 of the Revised Draft EIR, the project site is no longer used for any significant agricultural production, and no agricultural operations occur near the CLASP area. Furthermore, no identified Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is within the CLASP boundary. Therefore, implementing the project would not result in converting farmland to nonagricultural uses, and there would be no impact.

**b) Conflict with existing zoning for agricultural use or a Williamson Act contract?**

**No Impact.** As discussed on page 4.1-15 of the Revised Draft EIR, the CLASP area is not zoned for agricultural use and therefore development of the CLASP area would not conflict with existing zoning provisions intended to promote or retain agricultural uses. In addition, no portion of the CLASP area is currently under a Williamson Act contract. Because the project site is not zoned for agricultural use and is not under a Williamson Act contract, there would be no conflict and no impact.

**c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?**

**No impact.** As described in a) above, implementation of the proposed project would not result in converting farmland to nonagricultural use. Also, developing Subarea 3 would not result in converting land that is currently in agricultural use, and development would not conflict with existing zoning provisions intended to promote or retain agricultural uses. Although the Niven Nursery (Subarea 3) has supported horticultural operations since the early 1920s, the site is no longer used for any significant agricultural production and no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance has been identified within the CLASP boundary. Therefore, there would be no impact.

### 3.3 AIR QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>III. Air Quality.</b>				
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### DISCUSSION

#### a) Conflict with or obstruct implementation of the applicable air quality plan?

**Less-than-Significant Impact.** Implementation of the CLASP would not result in populations greater than that currently projected by the Association of Bay Area Governments; therefore, the CLASP would be consistent with the Bay Area Air Quality Management District’s (BAAQMD’s) 2000 Bay Area Clean Air Plan (see pages 4.6-8 and 4.6-9 of the Revised Draft EIR). In addition, the CLASP would not hinder the BAAQMD’s ability to meet the federal ozone standard. Because the proposed project, a subarea of the CLASP, would not result in populations greater than that currently projected by the Association of Bay Area Governments, and would not hinder the BAAQMD’s ability to meet the federal ozone standard, the proposed project would not conflict with or obstruct implementation of the 2000 Bay Area Clean Air Plan, and this impact would be less than significant.

#### b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Less than Significant with Mitigation Incorporated.** As described in the Revised Draft EIR (see pages 4.6-9 and 4.6-10), impacts associated with potential future emissions from CLASP development would be potentially significant. Residents burning wood would generate reactive organic gases (ROG) (wood smoke also contains toxic air contaminant [TAC] compounds) at levels that would exceed the significance level recommended by the BAAQMD. Implementation of Revised Draft EIR Mitigation Measure 4.6-3, “Permit Residential Installation of

Natural Gas or Pellet Burning Fireplace Appliances Only,” would reduce impacts from burning wood to a less-than-significant level (see page 4.6-13 of the Revised Draft EIR). In addition, in 2008, the City adopted an ordinance (No. 943) regulating the installation of wood-burning fireplaces (i.e., prohibiting non-EPA Phase II certified appliances).

Traffic generated by CLASP development would generate carbon monoxide (CO) and emissions of oxides of nitrogen (NO<sub>x</sub>), ROG, and particulate matter less than 10 microns in diameter (PM<sub>10</sub>). These emissions would not exceed ambient air quality standards for CO, and emissions of NO<sub>x</sub>, ROG, and PM<sub>10</sub> would be below BAAQMD significance thresholds. Because traffic emissions generated by CLASP development would not exceed ambient air quality standards for CO; emissions of NO<sub>x</sub>, ROG, and PM<sub>10</sub> would be below BAAQMD significance thresholds; and the project would be consistent with Mitigation Measure 4.6-3 and the associated new CLASP policy prohibiting residential wood burning appliances and fireplaces, the project would not violate any air quality standard or contribute substantially to any air quality violation, and impacts would be less than significant.

**c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

**Less than Significant with Mitigation Incorporated.** As discussed in b) above, the proposed project would not result in long-term operational ROG, NO<sub>x</sub>, PM<sub>10</sub>, or CO emissions that would result in or contribute substantially to an air quality violation. Construction-generated PM<sub>10</sub> emissions could cumulatively contribute to emissions concentrations that exceed the BAAQMD standards, especially considering the current nonattainment status of the management district (see pages 4.6-11 and 4.6-12 of the Revised Draft EIR and pages 3-24 and 3-25 of the CLASP Final EIR). Implementation of EIR Mitigation Measures 4.6-5a, “Implement Control Measures to Control Dust that Includes PM<sub>10</sub> from Construction Activities,” and 4.6-5b, “Implement All Feasible and Reasonable Control Measures to Reduce Construction Activity TACs,” would reduce potentially significant impacts related to PM<sub>10</sub> emissions to a less-than-significant level (see pages 4.6-13 to 4.6-16 of the Revised Draft EIR).

Because implementing Mitigation Measures 4.6-5a and 4.6-5b would reduce direct and cumulative short-term PM<sub>10</sub> emission impacts to a less-than-significant level, implementing the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard, and impacts would be less than significant.

**d) Expose sensitive receptors to substantial pollutant concentrations?**

**Less than Significant with Mitigation Incorporated.** As discussed in b) above, implementing the proposed project would not result in long-term operational ROG, NO<sub>x</sub>, PM<sub>10</sub>, or local CO emissions that would result in or contribute substantially to an air quality violation. Construction of the proposed project would result in potentially significant impacts by exposing sensitive receptors to substantial pollutant concentrations. The temporary generation of fugitive PM<sub>10</sub> dust emissions caused by preparing the site for construction (e.g., excavation, grading, clearing) and the short-term emission of diesel exhaust from on-site heavy duty equipment exceed the significance levels recommended by the BAAQMD (see page 4.6-11 of the Revised Draft EIR and pages 3-24 and 3-25 of the CLASP Final EIR). Particulate exhaust emissions from diesel-fueled engines (diesel PM) and NO<sub>x</sub> from equipment exhaust could further contribute to local PM<sub>10</sub>. In addition, materials containing asbestos or lead could be released during site construction and remediation (see pages 4.6-10 and 4.6-11 of the Revised Draft EIR).

Implementing Mitigation Measures 4.6-5a, “Implement Control Measures to Control Dust that Includes PM<sub>10</sub> from Construction Activities,” and 4.6-5b, “Implement All Feasible and Reasonable Control Measures to Reduce Construction Activity TACs,” would reduce impacts related to the exposure of sensitive receptors to substantial concentrations of diesel exhaust and PM<sub>10</sub> to a less-than-significant level (see pages 4.6-13 to 4.6-16 of the Revised Draft EIR). In addition, implementing Mitigation Measure 4.12-2, “Implement a Demolition Plan,”

would reduce hazards associated with exposure to asbestos and lead to a less-than-significant level (see pages 4.12-23 through 4.12-25 in the Revised Draft EIR and page 3-34 in the CLASP Final EIR). Because implementation of Mitigation Measures 4.6-5a, 4.6-5b, and 4.12-2 would reduce sensitive receptor exposure impacts to a less-than-significant level, implementation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations, and impacts would be less than significant.

**e) Create objectionable odors affecting a substantial number of people?**

**Less-than-Significant Impact.** The primary land uses in the CLASP area are residential and are not expected to generate odorous emissions of the type that would result in frequent odor complaints at adjacent land uses (see page 4.6-11 of the Revised Draft EIR). Because implementing the proposed project would not result in land uses that could create objectionable odors (e.g., wastewater treatment plants, compost facilities, chemical manufacturing), impacts would be less than significant.

### 3.4 BIOLOGICAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>IV. Biological Resources. Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?**

**Less than Significant with Mitigation Incorporated.** The majority of Subarea 3 consists of developed and disturbed areas, including abandoned greenhouses and other facilities used for nursery operations. Larkspur Creek, a tributary to Corte Madera Creek and San Francisco Bay, borders the south and southeast portions of Subarea 3 (see Exhibits 2-2, “Illustrative Site Plan,” and 2-3, “Natural Resource Buffers,” in Chapter 2, “Project Description”). The creek, which has been rerouted and channelized into a linear ditch, runs along the southern edge of Subarea 3 before making an abrupt right-angle turn at the southeast corner of the parcel. The engineered

banks of Larkspur Creek are roughly 10 to 15 feet high and stable. Most of the upland portion of Subarea 3 consists of previously graded and filled areas dominated by nonnative grasses and other herbaceous plant species, many of which are considered invasive. Subarea 3 does support scattered patches of native trees and shrubs. The northern and western banks of Larkspur Creek (adjacent to the CLASP area) are heavily vegetated with a mix of nonnative shrubs and grasses. The creek bank adjacent to the southern CLASP area boundary also supports such vegetation, including a dense stand of nonnative acacia (see pages 4.5-1 to 4.5-11 of the Revised Draft EIR).

## **TERRESTRIAL SPECIES**

As described in the Revised Draft EIR (see pages 4.5-18 and 4.5-19), eight special-status species have been recorded near the CLASP area. Three of these species, California clapper rail, California black rail, and salt-marsh harvest mouse are not expected to exist in the CLASP area. Although salt marsh common yellowthroat and San Pablo song sparrow may inhabit the CLASP area, habitat for both species is limited and the proposed project would not significantly reduce the amount of potential nesting or foraging habitat for these species. None of the three special-status plants identified are expected in the CLASP area because suitable habitat is absent. Because development of Subarea 3 would not substantially reduce the amount or quality of potential habitat for any of these terrestrial special-status species, impacts on these species would be considered less than significant.

As described on pages 17 and 18 of the 2007 IS/MND, project implementation would result in removing 173 trees, including 71 heritage trees. The IS/MND concluded that the removal of trees could adversely affect nesting raptors and migratory birds, and mitigation is identified to reduce this impact to a less-than-significant level. Nesting raptors are protected under the California Fish and Game Code and migratory birds receive limited protection under the federal Migratory Bird Treaty Act. The proposed project considered in this IS would involve removing 74 heritage-sized trees. Implementation of Mitigation Measure Biology-1 from the 2007 IS/MND would reduce this impact to a less-than-significant level. Because the applicant has agreed to implement Mitigation Measure Biology-1, the proposed project would not have a substantial adverse effect on nesting raptors and migratory birds, and this impact would be less than significant.

## **SPECIAL-STATUS FISH**

Special-status fish known to occur near the CLASP area include Coho salmon, steelhead, and tidewater goby. Both Coho salmon and steelhead are anadromous fish that spend their adult lives in the ocean and return to freshwater to spawn. These two species are listed as endangered and threatened, respectively, under the federal Endangered Species Act. Corte Madera Creek and its tributaries provide suitable habitat for both Coho salmon and steelhead, and both species may use the colder tributaries of Corte Madera Creek as spawning habitat. Although the CLASP area is located approximately 0.5 mile upstream of the confluence of Corte Madera Creek and Larkspur Creek, the CLASP area is not considered important habitat for Coho salmon or steelhead. However, either species could possibly enter Larkspur Creek for short durations. Tidewater goby is not expected in the CLASP area because suitable habitat is absent (see pages 4.5-9 and 4.5-10 of the Revised Draft EIR). Revised Draft EIR Impact 4.5-4, "Effects on Special-Status Fish" considered potential impacts on special-status fish and determined that development of Subarea 3 would not substantially reduce the amount or quality of potential habitat for any special-status fish, and impacts were found to be less than significant (see page 4.5-19).

The proposed project involves three creek enhancement plans, including a Native Plant Restoration Plan (LSA 2009), upland habitat buffer measures (LSA 2007a), and creek enhancement measures (LSA 2007b). These plans and a figure summarizing the plans entitled "Figure 1: Locations of Creek Corridor Areas Addressed by LSA's Restoration/Enhancement Plans" are included as Appendix D of this IS. Creek enhancement measures for Larkspur Creek (e.g., removal of mature acacia trees) could reduce habitat quality for steelhead and Coho salmon. Although Larkspur Creek generally provides poor-quality habitat for these species, Coho salmon or steelhead could occur in Larkspur Creek for short periods. Adverse impacts on steelhead resulting from removal of mature acacia trees would include warmer water temperatures from a reduction in shade and adverse effects on physical habitat structure and water quality, resulting in loss of sources of large woody debris. Additionally, removal of

mature vegetation along the stream banks associated with implementation of the Native Plant Restoration Plan and Larkspur Creek enhancement measures could potentially result in the discharge of sediment into the creek, which could potentially adversely affect steelhead and Coho salmon habitat. Implementation of EIR Mitigation Measure 4.3-3, "Prepare and Implement Stormwater Pollution Prevention Plan," and 2007 IS/MND Mitigation Measure Biology-2 (see page 20) would reduce degradation of steelhead and Coho salmon habitat. Although implementation of the proposed project, including the changes addressed in this Initial Study, would slightly reduce fish habitat quality and could potentially result in the discharge of sediment into the creek, the Revised Draft EIR analysis addressed the lack of quality and amount of potential special-status fish habitat. The project impacts, therefore, would not have a substantial adverse effect on these species, and impacts would be considered less than significant.

To minimize the project's impact on fish habitat, the Native Plant Restoration Plan should be revised to more clearly describe activities that would occur in the creek and consider measures to improve the quality of fish habitat. The Native Plant Restoration Plan, recently updated by LSA Associates in July 2009, should be amended to clearly describe invasive plant removal techniques and native plant revegetation techniques within and immediately adjacent to Larkspur Creek. The revised plan should 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 along Larkspur Creek during construction) should be incorporated. The plan amendment should 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 amended plan should also receive City of Larkspur approval before plan implementation.

In addition, because implementation of the Native Plant Restoration Plan and related Larkspur Creek enhancement plans will likely involve ground-disturbing activities within the bed and bank of Larkspur Creek (e.g., placement of riprap, recontouring of creek banks, invasive plant removal, native plant installation), regulatory approvals from several agencies will be required. These include the following:

- ▶ A streambed alteration agreement from the California Department of Fish and Game under Section 1600 et seq. of the California Fish and Game Code; issuance of the agreement will require a restoration plan for impacts on riparian vegetation; the Native Plant Restoration Plan will likely fulfill this requirement, if prepared to agency standards.
- ▶ A Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers (USACE) San Francisco District for work below the ordinary high water mark of Larkspur Creek. The project may be eligible for a Nationwide Permit 27 (Restoration Activities); the project applicant should coordinate with the USACE to determine the applicable permit (Nationwide versus Individual Permit), whether wetland delineation will be required, and any specific mitigation requirements for the applicable permit; the project applicant should prepare and implement the restoration plan according to USACE standards.
- ▶ Clean Water Certification from the San Francisco Bay Regional Water Quality Control Board under Section 401 of the federal Clean Water Act will be required; the project applicant shall obtain Section 401 certification prior to project initiation and should implement any measures required as part of the certification.

The applicant should utilize the Bay Area Joint Aquatic Resources Permit Application (JARPA) process to obtain these permits. JARPA is a permit application form that consolidates federal, state, and local permits and simplifies

the permit process for applicants proposing construction, fill placement, public access impingement, and other development activities in or near aquatic environments and wetlands in the San Francisco Bay Area. The applicant should pursue the applicability of the JARPA process to the proposed project.

To assess potential impacts on Coho salmon and steelhead, the project applicant should also informally consult with the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS) to determine whether any concerns regarding these species can be addressed through project timing and best management practices. If it is determined that formal consultation under Section 7 of the federal Endangered Species Act is required, the project applicant would need to conduct formal consultation with the NMFS and implement all measures determined necessary during formal consultation.

**b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?**

**Less than Significant with Mitigation Incorporated.** As described on page 4.5-17 of the Revised Draft EIR, Larkspur Creek supports salt and brackish marsh habitat, as well as fresh water habitat, considered sensitive by the California Department of Fish and Game. Larkspur Creek also received federal protection as a water of the United States and state protection as a stream as defined by Section 1600 of the California Fish and Game Code. Proposed project implementation could have both direct and indirect impacts on Larkspur Creek, and mitigation is recommended to reduce impacts to a less-than-significant level (see pages 4.4-17 and 4.5-18 of the Revised Draft EIR). Implementation of EIR Mitigation Measure 4.5-2a, “Protect Sensitive Marsh Habitat Associated with Larkspur Creek,” and 4.5-2b, “Implement Mitigation Measure 4.3-3,” would reduce impacts to a less-than-significant level.

Proposed project grading activities within the natural resource buffer areas associated with construction of the detention basin and implementation of the Native Plant Restoration Plan and other creek enhancement activities, as described in a) above, could result in the discharge of sediment into Larkspur Creek or otherwise disturb sensitive riparian and salt marsh habitats through unintentional intrusion of construction equipment into these habitats. Additionally, implementation of Larkspur Creek enhancement measures could potentially affect sensitive riparian and salt marsh habitat; therefore, these actions would be expected to result in a net enhancement of these communities in the long-term. Because implementation of EIR Mitigation Measure 4.3-3, “Prepare and Implement Stormwater Pollution Prevention Plan,” and acquisition of regulatory agency approvals (see a) above) would reduce these short-term (i.e., construction-related) impacts to less-than-significant levels, the project would not have a substantial effect on any riparian habitat, and this impact would be less than significant.

**c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**Less than Significant with Mitigation Incorporated.** Larkspur Creek is considered a water of the United States subject to USACE jurisdiction under Section 404 of the federal Clean Water Act by virtue of its direct connection to San Pablo Bay. Grading activities, installation of riprap, and other activities associated with implementation of the Native Plant Restoration Plan and Larkspur Creek enhancements could adversely affect Larkspur Creek and would require a permit from the USACE. Acquisition of required regulatory agency approvals would reduce this impact to a less-than-significant level.

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

**Less-than-Significant Impact.** As described on page 4.5-19 and 4.5-20 of the Revised Draft EIR, development would not affect any important migratory corridors or the long-distance movement of any wildlife across Subarea

3. Movement of resident and anadromous fishes in Larkspur Creek would not be affected because the CLASP does not allow any uses that would obstruct the flow of water in Larkspur Creek. Because the proposed project would not affect any important migratory corridors, and fish movement in Larkspur Creek would not be impeded, the project would not interfere substantially with the movement of fish or wildlife species, and this impact would be less than significant.

As described in the Revised Draft EIR, wildlife use of Subarea 3 is typical for urban and suburban areas in Marin County. Some common wildlife species (such as black-tailed deer) are more abundant here than in surrounding areas. Impacts on black-tailed deer are evaluated in Impact 4.5-1, “Loss of Habitat for Common Plant and Wildlife Species” (see pages 4.5-15 and 4.5-16 of the Revised Draft EIR). Although the deer population found on the project site would eventually be displaced from the project area, black-tailed deer are abundant through much of Marin County and are not considered a sensitive species by CDFG, USFWS, or the City. Therefore, implementation of the proposed project would not be expected to substantially reduce the regional population of black-tailed deer, and for the purposes of CEQA, this impact is considered less than significant.

**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**Less than Significant with Mitigation Incorporated.** Adverse effects to heritage trees protected under the Larkspur Tree Ordinance (Larkspur Municipal Code Chapter 12.16) were addressed in the 2007 IS/MND (see pages 19 to 24). Implementation of Mitigation Measure Biology-2(a) and Mitigation Measure Biology-2(b) from the 2007 IS/MND (see page 20) would reduce these impacts to a less-than-significant level.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

**No Impact.** No habitat conservation plans, natural community conservation plans, or other habitat conservation plans have been adopted for the proposed project area. There would be no impact.

### 3.5 CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Impact for which Revised Draft EIR is Sufficient	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>V. Cultural Resources. Would the project:</b>					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### DISCUSSION

**a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?**

**Adequately Addressed in Prior EIR.** Impacts on historical resources were analyzed in the Revised Draft EIR. As described on pages 4.11-8 and 4.11-9 of the Revised Draft EIR, a number of historic resources have been noted within the CLASP area, including portions of the Niven Nursery from the 1920s to 1930s that may be eligible for listing on the California Register of Historical Resources. Proposed project construction may include demolition or alteration of extant structures or destruction of historic features. Therefore, the Revised Draft EIR includes mitigation to document structures eligible for the California Register of Historical Resources in accordance with the Historic American Buildings Survey standards (see Revised Draft EIR page 4.11-11). Although documentation would mitigate the demolition of these structures to some extent, it would not reduce the effects of demolition to a less-than-significant level, and demolition would remain a significant and unavoidable impact associated with proposed project implementation. This impact was adequately analyzed in the Revised Draft EIR and was fully addressed in the findings and statement of overriding considerations adopted by the City in connection with its approval of the EIR. No conditions have changed, and no new information is available since certification of the EIR that would alter this previous analysis.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

**Adequately Addressed in Prior EIR.** Impacts on archaeological resources were analyzed in the Revised Draft EIR. As described on page 4.11-8 of the Revised Draft EIR, intact portions of prehistoric site CA-MRN-68 have been identified within the CLASP area. Construction activities related to the proposed project may damage or destroy intact portions of sites CA-MRN-67 and CA-MRN-68, other unknown Native American archaeological resources, and/or unknown historic resources. Therefore, the Revised Draft EIR includes mitigation to implement an archaeological testing program and monitor construction (see Revised Draft EIR page 4.11-10 and 4.11-11, and CLASP Final EIR pages 3-32 and 3-33). Following implementation of these mitigation measures, impacts would remain significant and unavoidable if archaeological resources are found in the subsurface testing program

and destruction of the archaeological resources cannot be avoided. Otherwise, impacts would be less than significant with implementation of these mitigation measures (see page 3-33 of the CLASP Final EIR). This impact was adequately analyzed in the Revised Draft EIR and was fully addressed in the findings and statement of overriding considerations adopted by the City in connection with its approval of the EIR. No conditions have changed, and no new information is available since certification of the EIR that would alter this previous analysis.

**c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**Less-than-Significant Impact.** As described on pages 4.11-8 and 4.11-9 of the Revised Draft EIR, no unique paleontological resources or geologic features have been identified in the CLASP area. Because implementation of the proposed project would not be expected to result in either the direct or indirect destruction of any unique paleontological resources or geologic features, this impact would be less than significant.

**d) Disturb any human remains, including those interred outside of formal cemeteries?**

**Adequately Addressed in Prior EIR.** Potential impacts on human remains were analyzed in the Revised Draft EIR. As described on page 4.11-10, ground-disturbing activities may result in the inadvertent discovery of human remains during remediation or construction activity in Subarea 3 associated with the proposed project. Therefore, the Revised Draft EIR includes mitigation to stop potentially damaging work if human remains are uncovered during construction and then assess the significance of the find (see Revised Draft EIR pages 4.11-11 and 4.11-12). Although recovery of remains would mitigate their disturbance to some extent, the recovery would not reduce the effects of the disturbance to a less-than-significant level. If human remains are found during construction or remediation, and development of the site cannot be avoided, then this impact would remain significant and unavoidable. This impact was adequately analyzed in the Revised Draft EIR and was fully addressed in the findings and statement of overriding considerations adopted by the City in connection with its approval of the EIR. No conditions have changed, and no new information is available since certification of the EIR that would alter this previous analysis.

### 3.6 GEOLOGY AND SOILS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>VI. Geology and Soils. Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

- a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**
  - i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)**

**Less-than-Significant Impact.** The project site is located approximately 8 miles from the nearest Alquist-Priolo Earthquake Fault Zone, and the project site is not underlain by or adjacent to any known faults (see page 4.3-16 of the Revised Draft EIR). Because the project site is located approximately 8 miles from the nearest active

earthquake fault, implementing the proposed project would not expose people or structures to substantial adverse effects involving earthquake fault rupture, and this impact would be less than significant.

**ii) Strong seismic ground shaking?**

**Less-than-Significant Impact.** Given the seismicity of the region, construction in the CLASP area would result in the risk of exposing an increased number of people and structures to strong ground shaking (see page 4.3-11 of the Revised Draft EIR). Implementation of recommendations in site-specific geotechnical investigations, which are required by the City, and compliance with the City’s building codes would ensure that development on the project site is engineered and designed to withstand the effects of seismic ground shaking and other secondary earthquake effects. Because the project would implement the recommendations of the required geotechnical investigation and comply with City building codes, the project would not expose people or structures to substantial adverse seismic ground shaking, and this impact would be less than significant.

**iii) Seismic-related ground failure, including liquefaction?**

**Less-than-Significant Impact.** Preliminary geologic investigations conducted for the project site and vicinity indicate that liquefaction potential in the CLASP area varies from high to very low because the underlying geologic structure trends from fill and Bay Mud on the eastern portion of the site to alluvium underlain by sandstone and shale bedrock on the western portion of the site (see pages 4.3-11 to 4.3-16 of the Revised Draft EIR). Additional site-specific geotechnical investigations would be conducted to ensure that development in the CLASP area is appropriately engineered and designed such that damage from seismic-related ground failure, including liquefaction, would not occur. In addition, the project would also be required to comply with City building codes. Because the project would involve implementation of the recommendations of the required geotechnical investigation and comply with City building codes, project implementation would not expose people or structures to substantial seismic-related ground failure (including liquefaction), and this impact would be less than significant.

**iv) Landslides?**

**Less-than-Significant Impact.** The project site is flat and relatively level; the nearest location with potentially unstable slopes is south of East Ward Street (see page 4.3-16 of the Revised Draft EIR). Because the site is flat, and there are no known landslide areas that would potentially affect the CLASP area, this impact would be less than significant.

**b) Result in substantial soil erosion or the loss of topsoil?**

**Less than Significant with Mitigation Incorporated.** The CLASP area is located on a flat, relatively level area with cohesive fill and native soils; as such, soil erosion occurs infrequently on most of the CLASP area. However, Larkspur Creek runs along the southern and eastern boundaries of the CLASP area, and erosion of soils during construction could potentially affect the creek in those areas. Soils loosened, exposed, and stored in piles during construction in the vicinity of Larkspur Creek could potentially become mobilized by stormwater during construction activities. Such uncontrolled soil erosion could potentially affect the creek by adding to its sediment load (see page 4.3-13 of the Revised Draft EIR and pages 3-22 and 3-23 of the Final EIR).

The proposed project involves moving 54,000 cubic yards of soil on-site, importing 25,000 cubic yards of fill, and excavating and grading within natural resource buffer areas (including creation of a bioretention swale along the north-south reach of Larkspur Creek). Grading for the proposed project would extend to the top of the Larkspur Creek bank. In addition, the project involves implementing creek enhancement measures along the northern and southern banks of the east-west reach of Larkspur Creek (see Exhibits 2-3, “Natural Resource Buffers,” and 2-4, “Detention Basin”).

Erosion of soils during grading and construction activities, and the associated addition of sediment load to Larkspur Creek and Corte Madera Creek, was identified as a potentially significant impact in the Revised Draft EIR, and mitigation is identified to reduce this impact to a less-than-significant level. Implementing Mitigation Measure 4.3-3, “Prepare and Implement a Stormwater Pollution Prevention Plan,” would reduce impacts related to soil erosion during construction (see pages 4.3-17 and 4.3-18 of the Revised Draft EIR and pages 3-22 and 3-23 of the Final EIR). As indicated on page 3-23 of the Final EIR, the second bullet point in Mitigation Measure 4.3-3 is revised to allow for certain grading and construction activities within the buffer area to “implement requirements of the San Francisco Bay RWQCB for water treatment and stormwater detention facilities, such as grassy swales, and to implement the native plant restoration plan for upland habitat in the buffer area as described in Mitigation Measures 4.5-2a and 4.5-2b of the DEIR.” Furthermore, as described in Exhibit A of Ordinance No. 962, “CLASP 2007 Findings, Development Standards, and Conditions of Approval,” EIR Mitigation Measure 4.3-3 shall be incorporated as a condition of approval of the precise development plan. Because implementing Mitigation Measure 4.3-3 would reduce construction-related soil erosion impacts to a less-than-significant level, and the mitigation will be incorporated as a condition of approval of the precise development plan, the proposed project would not result in substantial soil erosion or the loss of topsoil, and this impact would be less than significant.

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

**Less-than-Significant Impact.** Portions of the CLASP area are underlain by Bay Mud, which is susceptible to soil compression and secondary consolidation, which can result in subsidence and settlement (see pages 4.3-14 and 4.3-15 of the Revised Draft EIR). Implementing recommendations in site-specific geotechnical investigations, which are required by the City, would reduce the risks of unstable soils and new building settlement in the CLASP area. Because the project would involve implementation of the recommendations of the required site-specific geotechnical investigation, reducing unstable soil and building settlement risks, impacts associated with unstable soils and subsidence would be less than significant.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?**

**Less-than-Significant Impact.** Clay soils on the project site are of low density and have preexisting high water content, and soils expansion is negligible (see page 4.3-16 of the Revised Draft EIR). Because clay soils on the project site are of low density and have preexisting high water content, project implementation would not create substantial expansive soil risks to life or property, and this impact would be less than significant.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

**No Impact.** Implementing the project would not involve the use of septic tanks or alternative wastewater disposal systems, and sewers are available for the disposal of wastewater. Therefore, there would be no impact.

### 3.7 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>VII. Hazards and Hazardous Materials. Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

**a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

**Less than Significant with Mitigation Incorporated.** As described on page 4.12-20 and 4.12-21 of the Revised Draft EIR, hazardous materials could be released during removal of contaminated soil from Subarea 3, and local schools within one-quarter mile of the project site could be adversely affected. In addition, improper handling or

an accidental spill could result in soil contamination around Subarea 3. Implementing Mitigation Measures 4.12-3, “Implement Removal Action Workplan and Health and Safety Plan,” and 4.12-6, “Implement Demolition Plan and Removal Action Workplan,” would reduce potentially significant impacts to a level of less than significant (see pages 4.12-25 and 4.12-26 of the Revised Draft EIR, and pages 3-34 and 3-35 of the CLASP Final EIR). Because implementation of Mitigation Measures 4.12-3 and 4.12-6 would reduce project impacts to less-than-significant levels, this impact would be less than significant.

**b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?**

**Less than Significant with Mitigation Incorporated.** As described in a) above, because implementing Mitigation Measures 4.12-3 and 4.12-6 would reduce project impacts to less-than-significant levels, this impact would be less than significant.

**c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**Less than Significant with Mitigation Incorporated.** As described in a) above, because implementing Mitigation Measures 4.12-3 and 4.12-6 would reduce project impacts to less-than-significant levels, this impact would be less than significant.

**d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**Less-than-Significant Impact.** Under the CLASP, development would occur on hazardous materials sites, posing a potential threat to human health. Although Subarea 3 is not included on a list of hazardous materials sites, it qualifies for inclusion on such as list. Because development on the project site would pose a potential threat to human health, implementing Mitigation Measure 4.12-3, “Implement Removal Action Workplan and Health and Safety Plan,” reduces impacts to a less-than-significant level (see page 4.12-25 of the Revised Draft EIR, and pages 3-34 and 3-35 of the CLASP Final EIR).

As described in the Revised Draft 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. A RAW is a remedy selection document that can be prepared for a hazardous substance release under Health and Safety Code Section 25356. It is prepared when a nonemergency action or a remedial action is projected to cost less than \$2 million (Larkspur Housing Partners 2009a). The basic purpose of the RAW is to describe the procedures and protocols for remediation of chemicals of potential concern (COPCs) in soils associated with the historical use of the property as a nursery. The primary purpose of the RAW is to present a remedial measure to mitigate the soils containing COPC identified at the site to allow for the planned residential development (Larkspur Housing Partners 2009a).

From December 2003 to February 2004, the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) held a public comment period on the Draft RAW. No verbal or written comments were received during the public comment period. Then, several years later in November 2008, the Federated Indians of Graton Rancheria contacted DTSC with concerns about potential adverse impacts on cultural resources associated with the proposed soil cleanup program. Based on a review of additional information, the Tribe concluded that the proposed cleanup would directly affect a sacred site and cultural resources within the Tribe’s territorial lands. In response to the input from the Federated Indians of Graton Rancheria, the selected cleanup alternative in the RAW was changed from the originally proposed excavation and off-site disposal of contaminated soil to encapsulation of contaminated “cultural resources” on-site (DTSC 2009). Exhibit 2-6, “Proposed Cultural Resources Encapsulation Area” (see Section 2, “Project Description”) shows the location of the proposed encapsulation area. It should be noted that the encapsulation area as shown conflicts with the City of

Larkspur's right-of-way along Doherty Drive. A land use covenant between the applicant and DTSC may be recorded for the encapsulation area and would restrict land uses and activities in the area. In addition, a Treatment Plan between the Federated Indians of Graton Rancheria, the City, and Larkspur Housing Partners was executed on May 4, 2009. Procedures for the excavation, handling, and encapsulation of cultural resources as part of the cleanup would be performed following the procedures outlined in the Treatment Plan (DTSC 2009).

A Final RAW was prepared in 2009. The September 2009 version of the Final RAW was prepared in accordance with the Voluntary Cleanup Agreement, Docket No HAS-A99/00-135, between Larkspur Housing Partners and the California Environmental Protection Agency, DTSC. It includes a number of specific procedures for managing contaminated cultural resources. As described in Section 4.1.3 of the Final RAW, if culturally significant resources (e.g., Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items) are observed during soil remediation activities, the soil containing such resources (i.e., midden) will be stockpiled separately and screened for culturally significant resources by appropriately trained archaeologists with monitoring by tribal representatives. If culturally significant resources are identified, then these resources will be recovered from the midden and reburied on-site. Prior to reburial on-site, these resources will be tested for lead if a significant amount of lead is likely associated with the cultural resource, and if lead is present above cleanup levels, the resources will be reburied in an encapsulation area. If lead is not present above cleanup levels, then the resources will be reburied with any other resources recovered from soils not affected by COPC at the site in accordance with the Agreement/Treatment Plan. Excavated contaminated soil, including midden that does not contain culturally significant resources, will be isolated in a separate area of the property pending coordination of disposal. Following acceptance by the off-site disposal facility, the excavated material would then be transported to the off-site disposal facility.

The potential encapsulation area (see Exhibit 2-6) will be located in the northern portion of the future Camellia Drive at the northeast corner of the project site in an area beneath the street up to 40 feet long and 26 feet wide. The encapsulated culturally significant resources will be placed deep enough to be below all future utilities. The culturally significant resources containing lead that are to be encapsulated will be mixed with water and 8 to 10% cement by wet weight to immobilize lead. The top of the final lift of the encapsulation cell will be a minimum of 6 feet below the street subgrade (approximately 7 feet from the top of pavement). Based on geotechnical borings, which have been drilled near the encapsulation area, the bottom of the encapsulation cell will be between 5 and 10 feet above the water table.

The RAW and a related document known as a Removal Action Implementation Plan will govern cleanup at the project site. The RAW is a conceptual document that was developed first, and the Removal Action Implementation Plan is intended to provide specific details on how a cleanup will be performed. The Final RAW would need to be approved by DTSC before the implementation plan can be approved. Cleanup work does not proceed until DTSC approves the Removal Action Implementation Plan (Piros, pers. comm., 2009). Copies of the September 2009 Final RAW and associated Removal Action Implementation Plan (Larkspur Housing Partners 2009b) are available for review at the City of Larkspur Planning Department, 400 Magnolia Avenue, Larkspur. An October 23, 2009 DTSC letter describing these processes is included as Appendix E of this IS. A June 18, 2009 DTSC letter (with attachments including a draft Responsiveness Summary) is also included at Appendix E. In addition, the September 2009 Final RAW and the Treatment Plan are included as Appendix C and F of this IS, respectively.

Development on the project site could pose a potential threat to human health, and implementation of Mitigation Measure 4.12-3, "Implement Removal Action Workplan and Health and Safety Plan," would reduce the significance level of this impact. Because, as described in the October 23, 2009 DTSC letter to Mr. Stephen Seely (see Appendix E), the Final RAW and Final Removal Action Implementation Plan were submitted to DTSC on October 14, 2009, and DTSC is ready to approve the Final RAW and Final Implementation Plan when the City of Larkspur completes its CEQA process, impacts would be considered less than significant.

To facilitate the RAW process, the applicant should regularly coordinate with the City of Larkspur and the Federated Indians of Graton Rancheria during finalization of the Final RAW, removal action implementation plan, and health and safety plan. In addition, the applicant should work closely with the City of Larkspur and the Federated Indians of Graton Rancheria to ensure that information is being properly shared, and that the concerns of the various parties are being adequately addressed. In addition, the applicant shall ensure that the cultural resources encapsulation area does not conflict with the City-owned right-of-way along Doherty Drive.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

**No Impact.** The CLASP area is not located near any public or private airport or within an area covered by an airport land use plan (see Revised Draft EIR page 4.12-21). Because the project site is not located near an airport, there would be no impact.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

**No Impact.** The CLASP area is not located near any public or private airport or within an area covered by an airport land use plan (see Revised Draft EIR page 4.12-21). Because the project site is not located near an airport, there would be no impact.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**No Impact.** As described on page 4.12-21 of the Revised Draft EIR, the permitted land use types in the CLASP area have been considered in the Marin County Operational Area Emergency Operations Plan. Therefore, development would not interfere with emergency plans and there would be no impact.

- h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

**No Impact.** Because the project site is in a developed area not subject to wildland fires, there would be no impact (see page 4.12-22 of the Revised Draft EIR).

### 3.8 HYDROLOGY AND WATER QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. Hydrology and Water Quality. Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site erosion or siltation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## DISCUSSION

### a) Violate any water quality standards or waste discharge requirements?

**Less than Significant with Mitigation Incorporated.** Surface water runoff from the CLASP area could potentially convey sediment and various contaminants from the CLASP area to Larkspur Creek, or other associated tidal/wetland systems downstream of the CLASP area. Construction of development projects within the CLASP area have the potential to generate significant quantities of sediment from grading activities. Proposed project construction would involve moving 54,000 cubic yards of soil on-site, importing 30,000 cubic yards of fill, and excavating and grading within natural resource buffer areas (including creation of a bio-detention swale along the north-south reach of Larkspur Creek). Grading for the proposed project would extend to the top of the Larkspur Creek bank. The project also involves implementing creek enhancement measures along the northern and southern banks of the east-west reach of Larkspur Creek (see Exhibits 2-3, “Natural Resource Buffers,” and 2-4, “Detention Basin”). Surface water runoff could also contain petroleum hydrocarbons from construction equipment operation, fueling, and maintenance. In the longer term, increased motor vehicle use from CLASP area development could increase runoff of vehicle-associated pollutants such as fuel hydrocarbons, other automotive fluids, and brake pad material.

Resource degradation resulting from contribution of sediments or contaminants to freshwater or wetland areas was determined in the Revised Draft EIR to be a potentially significant impact requiring mitigation (see pages 4.4-17 and 4.4-18 of the Revised Draft EIR). Implementing EIR Mitigation Measure 4.4-4, “Implement Mitigation Measure 4.3-3, Prepare and Implement SWPPP [Storm Water Pollution Prevention Plan],” would reduce the impacts of resource degradation to a less-than-significant level (see pages 4.4-21 and 4.4-22 of the Revised Draft EIR). Because implementation of EIR Mitigation Measure 4.4-4 would reduce sediment and other contaminant-related resource degradation impacts to a less-than-significant level, the project would not violate any water quality or waste discharge standards, and impacts would be less than significant.

### b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

**Less-than-Significant Impact.** Groundwater table and groundwater recharge impacts were analyzed in the Revised Draft EIR. As discussed on page 4.4-19, implementing the CLASP would not alter the regional or local groundwater table elevations on a long-term basis or lead to significant impacts on groundwater recharge or flow direction. Substantial changes in infiltration rates to groundwater are not expected as a result of CLASP implementation, and the current water supply through the Marin Municipal Water District would be maintained, precluding the need to construct new wells to pump groundwater. Because the proposed project would not require constructing any wells to pump groundwater and would not lead to significant impacts on groundwater recharge, the project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, and impacts would be less than significant.

### c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site erosion or siltation?

**Less-than-Significant Impact.** Under the CLASP, project site culverts and drainage facilities would be upgraded to the extent necessary. Necessary project site drainage facilities would require the approval of the Director of Public Works. In addition, various best management practices (BMPs) would be implemented to reduce the overall quantity of stormwater and its impact on site drainage facilities. As described in a) above, proposed project construction would involve extensive excavating and grading of the project site within natural resource

buffer areas (including creation of a bio-detention swale along the north-south reach of Larkspur Creek). However, implementation of EIR Mitigation Measure 4.4-4, “Implement Mitigation Measure 4.3-3, Prepare and Implement SWPPP,” would reduce erosion impacts to a less-than-significant level (see pages 4.4-21 and 4.4-22 of the Revised Draft EIR). The project would not include the alteration of the course of a stream or river, and any necessary drainage improvements would not be considered substantial alterations to the existing drainage pattern. Because the project does not involve the substantial alteration of the existing drainage pattern of the site or area, and implementation of EIR Mitigation Measure 4.4-4 would reduce erosion impacts to a level of less than significant, proposed project impacts would be less than significant.

**d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding?**

**Less-than-Significant Impact.** As described in c) above, project site culverts and drainage facilities would be upgraded to the extent necessary under the CLASP. As described in a) above, proposed project construction would involve the movement of 54,000 cubic yards of soil on-site, importation of 30,000 cubic yards of fill, extensive grading of the project site, and excavation and grading within natural resource buffer areas (including creation of a relatively large bio-detention swale along the north-south reach of Larkspur Creek). Grading for the proposed project would extend to the top of the Larkspur Creek bank. The project also involves implementing creek enhancement measures along the northern and southern banks of the east-west reach of Larkspur Creek (see Exhibits 2-3, “Natural Resource Buffers,” and 2-4, “Detention Basin”).

Although the project involves extensive grading of the project site and may involve upgrades to site drainage facilities, anticipated drainage improvements would not be considered substantial alterations to the existing drainage pattern of the site or area. Potential off-site and on-site flooding hazards are analyzed in the Revised Draft EIR (see pages 4.4-15 and 4.4-16). The project area would not contribute significantly to off-site flooding through surface runoff because the storm drains originating within the area drain directly to adjacent tidal creeks and channels, where flood hazards are controlled primarily by tidal water elevations. In addition, much of the project site is already or has been developed, and the addition of new development is unlikely to significantly increase surface runoff. Furthermore, construction of necessary stormwater detention facilities (including the bio-detention swale along the north-south reach of Larkspur Creek), coupled with the implementation of BMPs, would reduce the overall quantity of stormwater and its impact on site drainage facilities. Because the project does not involve the substantial alteration of the existing drainage pattern of the site or area, and development would not substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding, impacts would be less than significant.

**e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

**Less-than-Significant Impact.** As described in c) and d) above, under the CLASP, project site culverts and drainage facilities would be upgraded to the extent necessary and the project includes the construction of necessary stormwater detention facilities including the bio-detention swale along the north-south reach of Larkspur Creek. Necessary project site drainage facilities would require the approval of the Director of Public Works. In addition, various BMPs would be implemented to reduce the overall quantity of stormwater and its impact on site drainage facilities. In addition, the design of the stormwater drainage facilities would need to meet 25-year flood event criteria (see page 4.4-15 and 4.4-16 of the Revised Draft EIR). Implementing EIR Mitigation Measure 4.4-4, “Implement Mitigation Measure 4.3-3, Prepare and Implement SWPPP,” would reduce resource degradation impacts to a less-than-significant level (see pages 4.4-21 and 4.4-22 of the Revised Draft EIR). Because the project would involve upgrades to stormwater drainage facilities to the extent necessary, and polluted runoff impacts would be addressed by EIR Mitigation Measure 4.4-4, impacts would be less than significant.

**f) Otherwise substantially degrade water quality?**

**Less than Significant with Mitigation Incorporated.** Groundwater quality degradation impacts are addressed on page 4.4-19 and 4.4-20 of the Revised Draft EIR. During construction and operation of the proposed project, pollutants generated by equipment, vehicles, and urban land uses could infiltrate the ground and degrade groundwater quality. Although implementation of source control BMPs and a SWPPP (i.e., EIR Mitigation Measure 4.4-4) would minimize pollutant infiltration, additional mitigation would be required. Implementation of EIR Mitigation Measure 4.4-6, “Implement Mitigation Measures 4.3-3 and 4.4-5,” would reduce groundwater quality degradation impacts to a level of less than significant (see page 4.4-21 and 4.4-22 of the Revised Draft EIR, and page 3-24 of the Final EIR). Because implementing EIR Mitigation Measure 4.4-6 would reduce groundwater quality impacts to a less-than-significant level, this impact would be less than significant.

**g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

**Less-than-Significant Impact.** The area within the banks of Larkspur Creek adjacent to the CLASP area is mapped as below the 100-year flood elevation. No housing would be placed within the banks of Larkspur Creek. Finished floor elevations are required to comply with the City of Larkspur’s minimum requirements of 1 foot above the 100-year flood elevation of 6 feet National Geodetic Vertical Datum (NGVD) within the CLASP area. In addition, rainfall flood events up to the 100-year event would be contained within the Larkspur Creek channel; thus the CLASP area would not be subject to 100-year flood events (see pages 4.4-14 and 4.4-15 of the Revised Draft EIR). Because the project would not place housing within a 100-year flood hazard area, and finished floor elevations are required to comply with City requirements, this impact would be less than significant.

**h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?**

**Less-than-Significant Impact.** As described in g) above, because the project would not place housing or other structures within a 100-year flood hazard area that would impede or redirect flood flows, and finished floor elevations are required to comply with City requirements, this impact would be less than significant.

**i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?**

**Less-than-Significant Impact.** As described in g) above, proposed project structures would not be located in an area where the risk of flooding is high. The CLASP area is not subject to significant flood hazards (see page 4.4-8 of the Revised Draft EIR), and no levees or dams are located in the project vicinity. Because the project site is not subject to significant flood hazards, this impact is considered less than significant.

**j) Result in inundation by seiche, tsunami, or mudflow?**

**Less-than-Significant Impact.** As described in g) above, the proposed project is not located in an area where the risk of flooding is high, and no substantial bodies of water are immediately adjacent to the project site. Because the project site is located in an area not subject to seiche or tsunami, and the topography is relatively level and not subject to mudflow, this impact would be less than significant.

### 3.9 LAND USE AND PLANNING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>IX. Land Use and Planning. Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

#### a) Physically divide an established community?

**Less-than-Significant Impact.** A majority of the CLASP site has been developed with commercial, recreational, transportation, and civic uses. Subarea 3 consists of an approximately 16.8-acre site, formerly used for the Niven wholesale nursery operation. Most of the subarea is occupied by abandoned greenhouses and other structures that had been used for nursery operations. Because the project site is occupied by abandoned greenhouses and other nursery-related structures, implementing the project would not physically divide an established community, and impacts would be less than significant.

#### b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

**Less-than-Significant Impact.** Consistency with land use plans, policies, and regulations is addressed on pages 4.1-12 to 4.1-15 of the Revised Draft EIR and page 3-22 of the CLASP Final EIR. The discussion includes an analysis of land uses and the planning environment in the CLASP area based on 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. 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 in the Revised Draft EIR, the project would be consistent with existing zoning, plans, and other applicable land use controls. Because the project would be consistent with existing zoning, plans, and other applicable land use controls, the proposed project would not conflict with any applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, and this impact would be less than significant.

**c) Conflict with any applicable habitat conservation plan or natural community conservation plan?**

**No Impact.** No habitat conservation plans, natural community conservation plans, or other habitat conservation plans have been adopted that include the proposed project area. There would be no impact.

### 3.10 MINERAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>X. Mineral Resources. Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

**a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

**No Impact.** The project site is not located in an area that contains known mineral resources. The project area does not contain any state-designated mineral resource zones according to maps prepared by the State Mining and Geology Board (Marin County 2005). Therefore, proposed project implementation would not result in the loss of availability of a known mineral resource, and there would be no impact.

**b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

**No Impact.** The project site does not contain a source of locally important mineral resources (Marin County 2005). Therefore, proposed project implementation would not result in the loss of availability of a locally important mineral resource recovery site, and there would be no impact.

### 3.11 NOISE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XI. Noise. Would the project result in:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

**a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?**

**Less than Significant with Mitigation Incorporated.** The Noise Element of the *Larkspur General Plan* identifies noise and land use compatibility standards for various land uses and contains goals and policies to control noise levels in the city. The Noise Element sets forth a standard for an outdoor noise level not to exceed a day-night average noise level ( $L_{dn}$ ) of 55 A-weighted decibels (dBA) and an indoor noise level not in excess of 45 dBA for residential development (see page 4.8-10 of the Revised Draft EIR). As described in the Revised Draft EIR, implementing the CLASP would result in an increase in traffic noise. Noise levels would generally increase by less than 1 dBA along Magnolia Avenue, Doherty Drive, and other CLASP area roadways as a result of traffic generated by CLASP development (see page 4.8-13 of the Revised Draft EIR). Noise levels at residential uses along Doherty Drive and Magnolia Avenue currently exceed an  $L_{dn}$  of 55 dBA, which is considered the “normally acceptable” limit for noise at residential uses within the city. Therefore, implementing the CLASP, by itself, would not substantially increase noise levels and would not cause the noise levels to exceed this threshold of significance. Other noise impacts associated with implementation of the CLASP would be potentially significant. Depending on the specific type and location of development within the CLASP area, the development of residential and other noise-sensitive land uses could be incompatible with the existing noise environment.

Implementing EIR Mitigation Measure 4.8-1a, “Conduct Acoustical Evaluation,” and 4.8-1b, “Provide Mechanical Ventilation,” would reduce impacts related to incompatibility of land uses with the existing noise environment to a less-than-significant level (see page 4.8-17 of the Revised Draft EIR). Implementing the CLASP would not substantially increase traffic noise levels and would not cause noise levels to exceed the applicable outdoor residential noise standard, and implementing EIR Mitigation Measure 4.8-1 would reduce land use incompatibility impacts to a less-than-significant level. Therefore, the project would not expose persons to or generate noise levels in excess of applicable standards, and these impacts would be less than significant.

**b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

**Less-than-Significant Impact.** The Revised Draft EIR evaluated groundborne vibration and groundborne noise associated with implementation of the CLASP. The traffic generated by development within the CLASP area is not expected to significantly increase the existing level of vibration produced at residences in the plan area (see pages 4.8-14, 4.8-15, and 4.8-17 of the Revised Draft EIR). In addition, because of the two-lane configuration and alignment of Doherty Drive, the simultaneous occurrence of vibration-producing events would not be expected under cumulative conditions, and cumulative impacts related to groundborne vibration would be less than significant. Because the increase in traffic generated by development under the CLASP is not expected to increase vibration levels at area homes, the project would not expose persons to or generate excessive groundborne vibration or noise, and this impact would be less than significant.

**c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Less than Significant with Mitigation Incorporated.** As described in a) above, the proposed project would result in a permanent increase in traffic noise levels, and residential and other noise-sensitive land uses could be incompatible with the existing noise environment. However, increased traffic noise levels would not be considered substantial, and implementing EIR Mitigation Measures 4.8-1a, “Conduct Acoustical Evaluation,” and 4.8-1b, “Provide Mechanical Ventilation,” would reduce impacts related to incompatibility of land uses with the existing noise environment to a less-than-significant level. Because increased traffic noise levels would not be considered substantial, and implementing EIR Mitigation Measure 4.8-1 would reduce land use incompatibility impacts to a less-than-significant level, the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity, and this impact would be less than significant.

**d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Less than Significant with Mitigation Incorporated.** Noise levels from construction activities could occasionally be annoying and interfere with outdoor activity, and would expose sensitive receptors to increased noise levels (see page 4.8-13 of the Revised Draft EIR). Implementing EIR Mitigation Measure 4.8-2, “Minimize Amount and Duration of Noise Intrusion during Construction and Take Measures to Correct Problems,” would reduce this potentially significant impact to a less-than-significant level. Because implementing EIR Mitigation Measure 4.8-2 would reduce construction noise impacts to a less-than-significant level, the project would not result in a substantial temporary or periodic increase in ambient noise levels, and this impact would be less than significant.

**e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact.** The project site is not located close to a public airport; therefore, the proposed project would not expose people to excessive noise levels. There would be no impact.

**f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact.** The project site is not located within the vicinity of a private airstrip; therefore, the proposed project would not expose people to excessive noise levels. There would be no impact.

### 3.12 POPULATION AND HOUSING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XII. Population and Housing. Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing homes, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### DISCUSSION

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

**Less-than-Significant Impact.** As described on pages 4.2-5 and 4.2-6 of the Revised Draft EIR, implementing the CLASP would induce population growth of up to 264 residents, representing 2.2% of Larkspur’s population. Such an increase is not considered substantial population growth, and the project would not involve development on a site that has not been planned for development in the *Larkspur General Plan*. Because the CLASP would induce population growth of up to 264 residents, and the project would not involve development on a site not contemplated for development in the general plan, the project would not induce substantial population growth. This impact would be less than significant.

- b) Displace substantial numbers of existing homes, necessitating the construction of replacement housing elsewhere?**

**Less-than-Significant Impact.** As described on page 4.2-6 of the Revised Draft EIR, one occupied modular housing unit within the CLASP area would be eliminated, resulting in the displacement of the unit and its residents. Overall, there are approximately two or three housing units on the project site. Because displacement of up to three housing units is not considered a substantial number of homes, this impact would be less than significant.

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

**Less-than-Significant Impact.** As described in b) above, up to three occupied housing units within the CLASP area would be eliminated, resulting in the displacement of the units and their occupants. Because displacement of up to three housing units is not considered a substantial number of homes, this impact would be less than significant.

### 3.13 PUBLIC SERVICES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XIII. Public Services. Would the project:</b>				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:**

**Fire protection?**

**Police protection?**

**Schools?**

**Parks?**

**Other public facilities?**

**No Impact.** As described on page 4.2-5 of the Revised Draft EIR, implementing the CLASP would induce population growth of up to 264 residents. Although these new residents would slightly increase the demand for public services, this increased demand would not be expected to require the construction of any new or physically altered governmental facilities. Impacts on schools, parks, other recreational facilities, police services, fire protection services, and emergency medical response services are presented on pages 4.9-6 through 4.9-9 of the Revised Draft EIR. As described on page 4.9-6, anticipated project-related enrollment in local schools would be less than the estimated student capacity. Regarding parks, adding new residents to the CLASP area could result in an incremental increase in the use of existing parks and other recreational facilities. CLASP property owners would provide a portion of the total funds needed for ongoing park maintenance through payment of annual taxes. Additionally, developing the CLASP area would result in an incremental increase in demand for police services,

fire protection services, and emergency medical response services. However, no new police or fire protection facilities or facility expansions that could affect the physical environment would be needed to serve the project. Because the slight increase in demand for public services would not require the construction of any new or physically altered governmental facilities, project implementation would not result in any substantial adverse physical impacts associated with the provision of facilities, and there would be no impact.

### 3.14 RECREATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XIV. Recreation. Would the project:</b>				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**Less-than-Significant Impact.** Although open space and park facilities would be provided within the CLASP area, new residents would probably also use other local parks and recreational facilities, which could contribute to routine wear and tear on the playing fields and recreational equipment (see pages 4.9-7 and 4.9-8 of the Revised Draft EIR). The project proposed a park dedication, pursuant to Resolution 9/98 and a land donation for a community facility, park, and multi-use path. Property owners within the CLASP area, like other local property owners, would provide a portion of the total funds needed for ongoing park maintenance through payment of annual taxes. Construction at or expansion of existing parks and recreational facilities would not be needed as a result of implementing the proposed project. Because new CLASP residents would be provided park facilities within the CLASP area, would probably also use other nearby local parks and recreational facilities, and would provide a portion of total funding needed for ongoing park maintenance, the project would not increase the use of parks such that substantial physical deterioration would occur, and this impact would be less than significant.

**b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?**

**Less-than-Significant Impact.** As described in Section 3.13, “Public Services,” of this IS, the project would not require the construction or expansion of any recreational facilities. The proposed project would include a community facility site in the northern portion of Subarea 3 and a small pocket park in the eastern portion of the site (see Exhibit 2-2, “Illustrative Site Plan”). The majority of Subarea 3 consists of developed and disturbed areas, including abandoned greenhouses and other facilities used for nursery operations. Because the project would not require the construction or expansion of any recreational facilities, and Subarea 3 consists of previously developed and disturbed areas, the project’s parks would not have an adverse physical effect on the environment, and this impact would be less than significant.

### 3.15 TRANSPORTATION/TRAFFIC

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Impact for which Revised Draft EIR is Sufficient	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XV. Transportation/Traffic. Would the project:</b>					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### DISCUSSION

- a) **Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?**

**Adequately Addressed in Prior EIR.** The Revised Draft EIR describes the existing transportation conditions of the CLASP and its vicinity, the existing roadway network and transportation facilities, and the circulation elements, including automobiles, pedestrians, bicycles, transit, and parking conditions. Traffic operations at 13 CLASP study intersections were analyzed. The Revised Draft EIR identifies unacceptable levels of service (LOS) for the project at the Doherty Drive/Riviera Circle/Redwood High School intersection, the East Ward Street/Magnolia Avenue intersection, and the King Street/Magnolia Avenue intersection. In addition, unacceptable cumulative LOS is identified for the Doherty Drive/Riviera Circle/Redwood High School intersection, the East Ward Street/Magnolia Avenue intersection, the King Street/Magnolia Avenue intersection, the Wornum Drive/Tamal Vista Boulevard intersection, the Fifer Avenue/Tamal Vista Boulevard intersection, and the Doherty Drive/Piper Park intersection (see pages 4.7-26 to 4.7-41 of the Revised Draft EIR and pages 3-25 to 3-30 of the CLASP Final EIR). The LOS of an intersection is a measurement of delay and of the ability of the intersection to accommodate traffic volumes.

As described in the 2007 IS/MND, additional traffic analysis was conducted by Robert Harrison in June 2007 to analyze trip generation for the preliminary development plan with the proposed mix of single family and senior housing units. The analysis concluded that implementation of the preliminary development plan would generate approximately 27.6% less daily and peak-hour trips than projected in the Revised Draft EIR. Therefore, the significance level of traffic impacts at the 13 study intersections is less than the significance level of traffic impacts reported in the Revised Draft EIR.

Implementation of EIR Mitigation Measures 4.7-11 and 4.7-12 would reduce the impacts to the Wornum Drive/Tamal Vista Boulevard and Fifer Avenue/Tamal Vista Boulevard intersections to a less-than-significant level (see pages 4.7-44 to 4.7-45 of the Revised Draft EIR. However, as described in the CLASP EIR findings (Resolution No. 46/06, Exhibit A), the City decided not to implement mitigation measures for the other intersections due to concerns over pedestrian safety and safety at nearby intersections. In addition, it was not clear if Mitigation Measure 4.7-13 would be successful. Therefore, these traffic impacts would remain significant and unavoidable after implementation of the proposed project. These impacts were adequately analyzed in the Revised Draft EIR and were fully addressed in the findings and statement of overriding considerations adopted by the City in connection with its approval of the EIR. No conditions have changed, and no new information is available since certification of the EIR that would increase the significance level of the impacts analyzed in the Revised Draft EIR.

Because implementation of the traffic mitigation measures 4.7-11 and 4.7-12 identified in the Revised Draft EIR would reduce associated traffic impacts to a less-than-significant level, implementation of the proposed project would not result in an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system for the Wornum Drive/Tamal Vista Boulevard and Fifer Avenue/Tamal Vista Boulevard intersections, and impacts for these intersections would be less than significant. The Revised Draft EIR generally considered construction-related traffic impacts in Impact 4.7-7 (see pages 4.7-34 and 4.7-35 of the Revised Draft EIR, and pages 3-28 to 3-30 of the Final EIR). As described on page 4.7-35, the City's Grading Ordinance (City Code Section 15.20.170) requires provision of traffic control on affected streets to minimize public inconvenience and traffic disruption, but does not define the specific measures that would ensure human safety and convenience. Therefore, Mitigation Measure 4.7-7, "Prepare and Implement a Detailed Construction Traffic Control Plan" was identified to reduce this impact to a less-than-significant level (see Final EIR page 3-30 and page 4.7-45 of the Revised Draft EIR).

The proposed project involves the movement of approximately 39,000 cubic yards of material (i.e., importation of 30,000 cubic yards of fill, the removal of approximately 1,000 cubic yards of contaminated soil, and possibly the importation of an additional 8,000 cubic yards of fill for the community facility site;  $30 + 1 + 8 = 39$ ). Assuming the material would be imported to and exported from the site using 20 cubic yard trucks, implementation of the proposed project could involve a total of 1,950 truck loads ( $39,000$  divided by  $20 = 1,950$ ). Under Larkspur Municipal Code (LMC) Section 15.24.040, any person wishing to haul 50 cubic yards or more of dirt or fill material on a City street is required to obtain a hauling permit from the Director of Public Works. Because proposed project grading and hauling activities would comply with the provisions of the City Grading Ordinance, the project applicant would be required to obtain a hauling permit under LMC 15.24.040, and implementation of Mitigation Measure 4.7-7 would help reduce construction traffic impacts to a less-than-significant level, proposed project construction traffic impacts would be considered less than significant.

**b) Exceed, individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

**Adequately Addressed in Prior EIR.** As described in a) above, the project would exceed the LOS standard at the Doherty Drive/Riviera Circle/Redwood High School intersection, the East Ward Street/Magnolia Avenue intersection, and the King Street/Magnolia Avenue intersection. In addition, cumulatively, the project would exceed the LOS standard at the Doherty Drive/Riviera Circle/Redwood High School intersection, the East Ward Street/Magnolia Avenue intersection, the King Street/Magnolia Avenue intersection, the Wornum Drive/Tamal

Vista Boulevard intersection, the Fifer Avenue/Tamal Vista Boulevard intersection, and the Doherty Drive/Piper Park intersection. Because implementation of the traffic mitigation measures 4.7-11 and 4.7-12 identified in the Revised Draft EIR (see pages 4.7-44 to 4.7-45 of the Revised Draft EIR) would reduce traffic impacts to a less-than-significant level, impacts for these intersections would be less than significant. In addition, also as described in a) above, traffic impacts for other study intersections would remain significant and unavoidable after implementation of the proposed project. These impacts were adequately analyzed in the Revised Draft EIR and were fully addressed in the findings and statement of overriding considerations adopted by the City in connection with its approval of the EIR. No conditions have changed, and no new information is available since certification of the EIR that would increase the significance level of the impacts analyzed in the Revised Draft EIR.

**c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

**No impact.** No airports are located near the project site; therefore, implementing the proposed project would have no effect on air traffic patterns. Thus, there would be no impact.

**d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**Less-than-Significant Impact.** The CLASP contains several access and circulation elements designed to allow smooth flow of traffic through the CLASP area and provide for public safety. The proposed design standards for the internal roadway network promote pedestrian safety by improving existing roadways and intersections, limiting on-street widths, and avoiding through-traffic routes (see pages 4.7-28 to 4.7-31 of the Revised Draft EIR). Because the proposed project would involve development within Subarea 3 of the CLASP, the analysis contained in the Revised Draft EIR pertaining to Subarea 3 is applicable to the proposed project. As described on pages 4.7-28 to 4.7-31 of the EIR, proposed project development would be consistent with applicable design standards and policies. Therefore, the project would not substantially increase hazards caused by a design feature, and this impact would be less than significant.

**e) Result in inadequate emergency access?**

**Less-than-Significant Impact.** As described in d) above, the CLASP contains several access and circulation elements designed to allow smooth flow of traffic through the project area and provide for public safety (see pages 4.7-28 to 4.7-31 of the Revised Draft EIR). Because the proposed project would involve development within Subarea 3 of the CLASP, the analysis contained in the Revised Draft EIR pertaining to Subarea 3 is applicable to the proposed project. As described on pages 4.7-28 to 4.7-31 of the EIR, proposed project development would be consistent with applicable design standards and policies. Therefore, the project would not result in inadequate emergency access, and this impact would be less than significant.

**f) Result in inadequate parking capacity?**

**Less-than-Significant Impact.** Implementation of the proposed project would increase the demand for parking spaces, and CLASP policies require new developments to provide an adequate number of parking spaces (see pages 4.7-32 to 4.7-34 of the Revised Draft EIR). Because the proposed project would involve development within Subarea 3 of the CLASP, the parking analysis contained in the Revised Draft EIR pertaining to Subarea 3 is applicable to the proposed project. As described on pages 4.7-32 to 4.7-34 of the EIR, proposed project development would be consistent with applicable standards and policies. Therefore, the project would not result in inadequate parking capacity, and this impact would be less than significant.

**g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

**Less-than-Significant Impact.** The CLASP includes a proposed system of integrated pedestrian and bicycle routes and paths within the CLASP area (see page 4.7-31 of the Revised Draft EIR). These routes and paths would create links between the CLASP area and downtown, Larkspur Plaza, schools, parks, and transit areas, and would enhance (rather than interfere with) existing bikeways and pedestrian paths. Furthermore, the CLASP does not include elements that would conflict with adopted policies, plans, or programs supporting alternative transportation. Because the proposed project would involve development within Subarea 3 of the CLASP, the transportation analysis contained in the Revised Draft EIR pertaining to Subarea 3 is applicable to the proposed project. Furthermore, because the project would enhance existing bikeways and pedestrian paths, this impact would be less than significant.

### 3.16 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XVI. Utilities and Service Systems. Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### DISCUSSION

**a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

**Less-than-Significant Impact.** Collected wastewater flows from the CLASP area would be transported to the Central Marin Sanitation Agency (CMSA) wastewater treatment plant for treatment and disposal. The CMSA wastewater treatment plant would have adequate capacity to serve the proposed site (see pages 4.9-9 and 4.9-10 of the Revised Draft EIR). In addition, the Ross Valley Sanitary District will review development plans submitted for individual parcels within the CLASP area, and will identify specific facilities that may be necessary to provide sufficient conveyance capacity to support the CLASP. Because the CMSA wastewater treatment plant would have adequate capacity to serve the project site, and the Ross Valley Sanitary District is reviewing development plans submitted for the proposed project, implementation of the project would not exceed the San Francisco Bay Regional Water Quality Control Board's wastewater treatment requirements. Therefore, this impact would be less than significant.

**b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Less-than-Significant Impact.** The Marin Municipal Water District (MMWD) would meet water supply demands of the CLASP area and the CMSA would have adequate capacity to treat wastewater flows generated by development within the CLASP area (see pages 4.9-9 and 4.9-10 of the Revised Draft EIR). No construction of new water or wastewater treatment facilities or expansion of existing facilities would be required to serve the CLASP area. The Ross Valley Sanitary District is reviewing development plans submitted for the proposed project, and will identify specific facilities that may be necessary to provide sufficient conveyance capacity to support the CLASP. Improvements to Ross Valley Sanitary District’s generator, pump, and electrical system and changes to the pump house would be required for the CLASP area, but these improvements would occur within existing buildings and paved areas. MMWD would meet the water supply demands of the CLASP area, CMSA would have adequate capacity to treat project wastewater flows, and improvements to Ross Valley Sanitary District facilities would occur within existing buildings and paved areas; therefore, the project would not require or result in the construction of new facilities, the construction of which could cause significant environmental effects, and this impact would be less than significant.

**c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Less-than-Significant Impact.** Impacts associated with stormwater drainage facilities are discussed on pages 4.9-10 and 4.9-11 of the Revised Draft EIR. The proposed project would involve constructing a new stormwater collection and conveyance system to provide adequate storm drainage to the project site. These improvements may include culvert and drainage system upgrades (as discussed in Section 3.8, “Hydrology and Water Quality” of this IS), and the incorporation of detention areas and grassy swales around the borders of the project site to collect, convey, and release stormwater. The proposed project would also include a detention basin between Camellia Circle and Larkspur Creek (see Exhibit 2-4, “Detention Basin”). The physical impacts of constructing these stormwater facilities, including grading within the natural resource buffer areas, are addressed throughout this IS in connection with discussions of other environmental resource areas. Because the project would result in the construction of new stormwater drainage facilities, the physical impacts of which are considered (and mitigated as necessary) throughout this IS, constructing these facilities would not result in significant environmental effects, and this impact would be less than significant.

**d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

**Less-than-Significant Impact.** As discussed on page 4.9-9 of the Revised Draft EIR, the water needed to serve the development in the CLASP area (including the proposed project) has been included in MMWD’s water planning efforts and is reserved for the CLASP area. MMWD would meet water supply demands of the CLASP area. Therefore, sufficient water supply would be available for the proposed project. Because MMWD would meet the water supply demands associated with development of the proposed project, this impact would be less than significant.

**e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project’s projected demand, in addition to the provider’s existing commitments?**

**Less-than-Significant Impact.** CMSA has adequate capacity to treat wastewater flows generated by the CLASP area (see pages 4.9-9 and 4.9-10 of the Revised Draft EIR). Because CMSA has adequate capacity to serve the project’s projected demand, this impact would be less than significant.

**f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

**Less-than-Significant Impact.** Landfill space and material recovery capacity are expected to remain sufficient to serve the proposed project through at least 2043. The CLASP area would be served by the Redwood Sanitary Landfill, which has sufficient capacity to provide solid waste services to the project site (see page 4.9-11 of the Revised Draft EIR). Because the Redwood Sanitary Landfill has capacity to serve the project through 2043, and the project would be served by a landfill with sufficient permitted capacity to accommodate the project, this impact would be less than significant.

**g) Comply with federal, state, and local statutes and regulations related to solid waste?**

**Less-than-Significant Impact.** Implementing the CLASP would involve uses that are typical of urban areas, and would not violate any federal, state, or local statutes and regulations related to solid waste (see page 4.9-11 of the Revised Draft EIR). Because the proposed project would include uses that are typical of urban areas and would comply with federal, state, and local solid waste regulations, this impact would be less than significant.

### 3.17 MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XVII. Mandatory Findings of Significance.</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Authority: Public Resources Code Sections 21083 and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal.App.3d 1337 (1990).

### DISCUSSION

- a) **Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?**

**Less than Significant with Mitigation Incorporated.** As evaluated in this IS, the proposed project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory. To reduce impacts to less-than-significant levels, mitigation measures are referenced herein (from prior environmental documents) for several resource areas. If the City implements all the mitigation measures from prior environmental documents contained in this IS, there would be a less-than-significant impact from project implementation.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

**Less-than-Significant Impact.** As described in the impact analyses in Sections 3.1 through 3.16 of this IS, any significant impacts of the project would be reduced to a less-than-significant level following incorporation of the mitigation measures (from prior environmental documents) as listing herein. In no instance would the project combine with impacts of related developments to add considerably to any cumulative impacts in the region, and impacts would be considered less than significant. Cumulative air quality and traffic impacts are specifically considered in Section 3.3, “Air Quality,” and Section 3.15, “Transportation/Traffic.”

- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

**Less-than-Significant Impact.** No project-related environmental effects were identified that would cause substantial adverse effects on human beings. As discussed herein, the project has the potential to create impacts related to air quality and hazardous materials during construction and site remediation. However, with implementation of required mitigation measures from prior environmental documents, these impacts would be reduced to less-than-significant levels.