

**CITY OF LARKSPUR
RESOLUTION 28/22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LARKSPUR
AMENDING THE CENTRAL LARKSPUR SPECIFIC PLAN (CLASP), STANDARD 63B
OF POLICY D-65, NATURAL RESOURCE PROTECTION STANDARDS**

WHEREAS, on September 20, 2006, the City of Larkspur adopted Resolution No. 48/06, the Central Larkspur Specific Plan (CLASP) which provides a framework for developing 22 acres in and adjacent to Downtown Larkspur, part of which became the Rose Garden Residential Development;

WHEREAS, the adopted CLASP includes design policies and standards for Subarea 3 including Standard 63 B. of Policy D-65, Natural Resources Protection Standards;

WHEREAS, on March 15, 2021, an application was submitted by the Rose Lane Master Association, to amend the Central Larkspur Specific Plan Policy (CLASP) D-65 - Natural Resource Protection Standards, Standard 63 B.; and the Precise Development Plan Ordinance 1050 (which amended Ordinances 1004 and 972) Exhibit B Development Standards and Conditions of Approval to amend the 50-foot Building and Impervious Surfaces Setback to allow a 25-foot building and impervious surface setback from the top of bank while maintaining a 50-foot setback for primary structures (excepting prior amendments for Lots 22 and 27 as authorized under Ordinance 1004 and 1050);

WHEREAS, on October 27, 2021, a biological assessment was prepared by WRA Environmental Consultants to assess the existing conditions within the 25-foot and 50-foot setback areas, and determine if there are potential environmental impacts for Larkspur Creek and the associated upland riparian habitat located in the 25-foot creek buffer due to the applicants' proposed amendments to the 50-foot building and impervious surfaces setback;

WHEREAS, WRA concluded that, the proposed amendments to the Precise Development Plan implementing a "50-foot setback for primary structures"; and a "25-foot building and impervious surface setback" will not diminish water quality nor habitat functions in and adjacent to Larkspur Creek. Therefore, the adoption of the requested amendments will not result in any potentially significant adverse biological impacts to the environment;

WHEREAS, on November 23, 2020, the Planning Commission held a duly noticed public hearing to consider the amendments to Ordinance No. 1050 (Amending Ord 1006 and 972) of the Rose Garden Precise Development Plan (File PPA/DR 08-54), Development Standards 4., 6., 10., 11, and 15 (including diagrams that depict the creek and natural buffers); and the Central Larkspur Specific Plan (CLASP), adopted by Resolution 48/06, Standard 63 B. of Policy D-65. Natural Resource Protection Standards at the Rose Garden Residential Development;

WHEREAS, the City Council of Larkspur held a duly noticed public hearing on December 1, 2021, to consider amendments to the Central Larkspur Specific Plan

(CLASP) Standard 63 B. of Policy D-65. Natural Resource Protection Standards, and Precise Development Plan approval Ordinance No. 1050 (Amending Ord 1006 and 972) Exhibit B, Development Standards and Setbacks to amend the 50-foot Building and Impervious Surfaces Setback to allow a 25-foot building and impervious surface setback from the top of bank while maintaining a 50-foot setback for primary structures (excepting prior amendments for Lots 22 and 27 as authorized under Ordinance 1004 and 1050), the Planning Commission's recommendation, and all related written materials and oral comments before taking action on the applications using their independent judgement;

WHEREAS, on April 6, 2022, the Larkspur City Council held duly noticed public meeting to provide direction after considering a memo prepared by the City Engineer, who evaluated the CEQA addendum, the stormwater calculations, stormwater plan and site drainage report for the Rose Garden Subdivision, and determined the proposed amendments to the 50-foot impervious surface setback would result in a negligible impact on site drainage and stormwater runoff as the yards have already been included as if they would have hardscaping, and the Council, upon taking all written and oral information into consideration determined this addressed the drainage concerns and directed that the proposed application may be re-scheduled for public hearing;

WHEREAS, on April 20, 2022, the Larkspur City Council held a duly noticed public hearing to consider amendments to the Central Larkspur Specific Plan (CLASP) Standard 63 B. of Policy D-65. Natural Resource Protection Standards and Precise Development Plan Ordinance No. 1050 (amending Ordinances 972 and 1004) Exhibit B, Development Standards and Conditions of Approval, to amend the 50-foot Building and Impervious Surfaces Setback to allow a 25-foot building and impervious surface setback from the top of bank but maintaining a 50-foot setback for primary structures (excepting prior amendments for Lots 22 and 27 as authorized under Ordinance 1004 and 1050), as well as amendments to permitted uses to bring the ordinance into conformance with state law, and after taking all related written materials and oral comments into consideration, the Council moved to adopt the proposed amendments;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Larkspur does hereby resolve, declare, determine and order as follows:

1. Finds the above recitals to be true and correct and constitute the determinations of the City Council made in support of this resolution.
2. Approves the Text Amendments to the Central Larkspur Specific Plan (CLASP) as referenced in this resolution; and attached as Exhibit A;
3. The City, as lead agency for the project under the California Environmental Quality Act (Pub. Resources Code §§ 21000 et seq. ("CEQA")), has determined that the Precise Plan Amendment differs sufficiently from the project evaluated in the CLASP EIR such that, in accordance with Section 15164 of the State CEQA Guidelines (14 Cal. Code Regs., §§15000 et seq.), minor modifications and clarifications to the CLASP EIR warrant preparation of an addendum to that document. This Addendum is supported by the information and analysis contained herein, as well as a site evaluation and analysis prepared by WRA Environmental Consultants ("WRA") dated October 27, 2021.

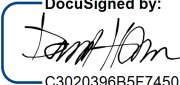
IT IS HEREBY CERTIFIED that the City Council of the City of Larkspur duly introduced and regularly adopted the foregoing resolution at a regular meeting held on April 20, 2022, by the following vote:

AYES: COUNCILMEMBER: Candell, Haroff, Paulson, Way, and Mayor Hillmer


NOES: COUNCILMEMBER: None

ABSENT: COUNCILMEMBER: None

ABSTAIN: COUNCILMEMBER: None

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Daniel Hillmer, Mayor

ATTEST:
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Alison Foulis, City Clerk

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EXHIBIT A

Text Amendments to the Central Larkspur Specific Plan (CLASP)

1. Amendment to Policy D-65 shall read as follows:
“**Standard 63 B.**, The natural resource buffer shall be at least 25 feet wide from the top of bank on the east/west reach of the creek at the southern of the Specific Plan area. The buffer area shall be fenced to prevent human and/or pet intrusions. No building or impervious surface may be located closer than ~~50~~ 25 feet to the top of bank and no primary residential structure may be located closer than 50 feet to the top of bank.”