

RESOLUTION 22 / 94

A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION AND  
MITIGATION MONITORING PROGRAM; AND AMENDING LARKSPUR  
GENERAL PLAN 1990-2010 FOR THE FELTON SITE

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**WHEREAS,** Leon Felton has applied for a general plan amendment to change the landuse designation of his property from Mobile Home Park (up to 14 DU / acre) to Industrial Service Commercial use; and

**WHEREAS,** notices of the Planning Commission and City Council hearings of the General Plan amendment and environmental documents were prepared and published in conformance with Section 65090 and 65091 of the California Government Code; and

**WHEREAS,** the Planning commission held public hearings on April 12, 1994 and May 10, 1994 to consider and hear testimony on the general plan amendment and mitigated negative declaration; and

**WHEREAS,** the Larkspur City Council held a public hearing on June 1, 1994 to consider and hear testimony on the general plan amendment, mitigated negative declaration and mitigation monitoring program,

**NOW, THEREFORE, THE LARKSPUR CITY COUNCIL DOES  
HEREBY RESOLVE AS FOLLOWS:** after considering all pertinent testimony, written and oral, the Larkspur City Council:

1. **Adopts** the Mitigated Negative Declaration and Mitigation Monitoring Program; herein attached as exhibits A and B.
2. **Finds** that the General Plan amendments are supported by the facts provided in the attached exhibit C.
3. **Amends** the General Plan by changing the landuse designation to Light Industrial Service Commercial for the Felton site, otherwise known as Marin Assessors Parcel # 23-011-13 and as generally shown on the attached exhibit D.
4. **Amends** the general plan text related to Land Use Changes by adding the following wording to page 41 of *Larkspur General Plan 1990-2010* :
  10. The .5 acre Felton Site has been changed from Mobile Home Park ( up to 14 du / ac) to Industrial and Service Commercial Use. The property has also been rezoned from Mobile home Park (MHP) to Light Industrial (L-1).

After due consideration, the city found that the small size of the lot and the exposure of noise levels in excess of 70 Ldn poses severe constraints on the development of the property for adequate mobile home use. The owner has considered the development of three double width mobile home sites with a 25 foot + setback from the highway, resident carports, guest parking and patio areas. The owner found that this development is not economically feasible given the costs of improvements for new mobile home sites and the extensive insulation necessary to meet the requirements of the city's noise element.

The city changed the land use designation to Industrial and Service Commercial based on a bulk storage warehouse development of 8,500 square feet submitted by the owner as the contemplated use. An Initial Study and Mitigated Negative Declaration dated January 28, 1994 have been prepared to address the impacts related to the development and to the site. The final size, use, site and building design of the warehouse development (as well as any other development proposed for the site) shall comply with city zoning standards, circulation and traffic related regulations and other laws that regulate the development and use of the site specified in the Initial Study.

The site is potentially subject to seismic, geologic, flooding and noise hazards. Any development of the site shall address the impacts associated with these hazards. Pursuant to the L-1 zoning regulations, the proposal shall not be objectionable by reason of odor, dust, smoke, gas, noise or vibration.

\* \* \*

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 the first day of June, 1994; by the following vote, to-wit:

AYES: COUNCILMEMBERS Arias, Hillmer, Lanctot, Lubamersky, Lundstrom

NOES: COUNCILMEMBERS None

ABSENT: COUNCILMEMBERS None

Ronald M. Arias

MAYOR

ATTEST:

Jim A. Boush  
CITY CLERK

**General Plan Amendment and Rezoning for Felton Site  
Mitigation Monitoring Program**

**Introduction**

An initial study and mitigated negative declaration was prepared for the general plan amendments and rezoning related to the Felton site.

Public Resources Code Section 21081.6 requires that when a public agency adopts findings pursuant to Public Resources Code Section 21081 (regarding adoption of a negative declaration with mitigations), the public agency must adopt a monitoring program for changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid potential significant impacts on the environment.

**Organization of Mitigation Monitoring Program**

The mitigation monitoring program is presented on the attached table and includes the following information:

1. Potential Impacts. Describes the potential impact that triggers the required mitigation.
2. Mitigation. Describes the measure that will be implemented to mitigate the potential impact identified in the Initial Study and checklist.
3. Department Responsible. Identifies the person, department or agency responsible for assuring compliance.
4. Timing. Indicates when the mitigation measure will be performed.

Since the general plan amendment and rezoning does not involve approval of a "development project", there are no specific conditions of approval at this time. Upon receipt of an application for approval of a development project for the site, the city will prepare appropriate environmental documents related to a more specific project.

The impacts and mitigations listed on the following table are explained in detail in the Initial Study and Mitigated Negative Declaration.

**MITIGATION MONITORING PROGRAM**  
**General Plan / Rezoning for Felton Site**

Potential Impacts	Mitigation	Department Responsible	Timing
<p><b>Earth :</b></p> <ul style="list-style-type: none"> <li>• Site exposed to differential settlement; could result in unstable earth conditions, disruptions, displacements, compaction, overcovering of soil due to fill, change in topography (elevation and slope for positive drainage).</li> <li>• Located in area of high seismic risk</li> </ul>	<ul style="list-style-type: none"> <li>• Additional geologic investigations shall be required as part of design review application. Scope of report includes :1) estimation of total and differential settlements, 2) establishment of floor elevation and development of design criteria for utility grades and connections. Floor elevation shall meet or exceed the minimum finished floor elevation of 9.4 feet (tidal) after 30 years of settlement, 3) site specific characterization of anticipated strong ground motion , including estimated peak horizontal ground acceleration, duration of shaking and site perild and evaluation of site for liquefaction and seismic settlement; and 4) recommendations for site grading, foundations, utilities, appropriateness of slab on grade and pavements.</li> <li>• Per Applicant's engineer:               <ol style="list-style-type: none"> <li>1) Possible engineered solutions including pile foundations ;</li> <li>2) Underground utilities to accommodate settlement, flexible utility connections. Designing slopes for gravity flow of pipelines and surface drainage.</li> <li>3) Additional geotechnical exploration, evaluation and analysis shall be conducted when site plans have been prepared.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• Planning</li> <li>• City Engineer</li> <li>• Geotech Consult.</li> </ul>	<ul style="list-style-type: none"> <li>• At Design Review Application Stage</li> <li>• Submittal of building plans prior to Grading &amp; Building Permit issuance</li> </ul>

<p><b>Water</b></p> <ul style="list-style-type: none"> <li>• Parking lot and paving results in increase in impervious surfaces.</li> <li>• The proposed use will result in alterations to course or flow of flood waters, direction or rate of flow of ground water due to installation of drainage facilities to protect site from flooding.</li> <li>• Site is within flood prone area.</li> </ul>	<ul style="list-style-type: none"> <li>• Drainage facilities will be installed to direct flood waters off the site and into an approved storm water system.</li> <li>• Ground elevation will be raised by placing fill to meet minimum floor elevation of 9.4 after 30 year settlement period.</li> <li>• Development of site shall meet provisions for Flood Hazard Reduction specified in Section 15.18.050 of Larkspurs Flood Plain Management Ord.</li> </ul>	<ul style="list-style-type: none"> <li>• Public Works</li> <li>• City Engineer</li> </ul>	<ul style="list-style-type: none"> <li>• Design Review</li> <li>• Grading Permit</li> <li>• Building Permit</li> </ul>
<p><b>Noise</b></p> <ul style="list-style-type: none"> <li>• Site is exposed to an Ldn of 70 (or more).</li> <li>• The site may be exposed to increase of existing noise levels during the construction phase.</li> </ul>	<ul style="list-style-type: none"> <li>• L-1 zone prohibits any use that is objectionable by reason of noise or vibration.</li> <li>• Per the general plan, the applicant shall submit a detailed noise analysis of the site and building that identifies the noise insulation features needed to comply with city standards for acceptable noise levels.</li> <li>• The Design Review ordinance requires minimization of temporary construction related visual, noise and air pollution by requiring continuous grading and construction process.</li> </ul>	<ul style="list-style-type: none"> <li>• Planning</li> <li>• Building Inspector</li> </ul>	<ul style="list-style-type: none"> <li>• Design Review</li> <li>• Building Permit</li> </ul>
<p><b>Light and Glare</b></p> <ul style="list-style-type: none"> <li>• New light will be produced because of lighting for the driveway, parking lot and building.</li> </ul>	<ul style="list-style-type: none"> <li>• The project shall comply with the Design Review Ord. that requires that exterior light sources shall not create a glare or hazard on adjoining streets or be annoying to adjacent properties or residential areas.</li> </ul>	<ul style="list-style-type: none"> <li>• Planning</li> <li>• Police Dept.</li> </ul>	<ul style="list-style-type: none"> <li>• DRC Meeting</li> <li>• Design Review</li> </ul>

<p><b>Risk of Upset</b></p> <ul style="list-style-type: none"> <li>Some uses allowed in the Light Industrial district may involve the storage of solvents, cleaning materials, paints etc.</li> </ul>	<ul style="list-style-type: none"> <li>Applicant shall comply with the California Community Right-to-Know Law and Hazardous Materials Disclosure Requirements prior to issuance of a Building Permit</li> </ul>	<ul style="list-style-type: none"> <li>Planning</li> <li>Building Inspector</li> </ul>	<ul style="list-style-type: none"> <li>DRC Meeting</li> <li>Building Permit</li> </ul>
<p><b>Transportation</b></p> <ul style="list-style-type: none"> <li>Some of the uses allowed by the L-1 district may generate substantial traffic.</li> <li>There is a parking problem in the area.</li> <li>Pedestrian safety is a concern since there is no sidewalk fronting the site nor the adjacent properties.</li> </ul>	<ul style="list-style-type: none"> <li>Until a specific use for the site is proposed, specific mitigations can not be required. However, no matter what use is proposed, the project shall comply with the city's Circulation Assessment Permit (CAP) requirements. This ordinance regulates the intensity of the use and links the intensity to acceptable traffic impact levels</li> <li>The project will be required to provide all parking on-site</li> <li>The city shall require a 4 foot minimum clear sidewalk around the perimeter of the site.</li> <li>Design review of the project will address adequate sightline distance for pedestrian and vehicular safety.</li> </ul>	<ul style="list-style-type: none"> <li>Planning</li> <li>Traffic consultant</li> </ul>	<ul style="list-style-type: none"> <li>CAP permit</li> <li>Design Review</li> </ul>
<p><b>Human Health</b></p> <ul style="list-style-type: none"> <li>Impacts to human health are potentially caused by natural hazards (such as floods, earthquake, landslides and fires) and from man-made hazards (such as air pollution, noise, hazardous materials).</li> </ul>	<ul style="list-style-type: none"> <li>Refer to mitigations related to Earth, Water, Noise and Risk of Upset.</li> </ul>	<p>Same as those noted for each mitigation type</p>	<ul style="list-style-type: none"> <li>Design Review</li> <li>Grading Permit</li> <li>Building Permits</li> </ul>
<p><b>Aesthetics</b></p> <ul style="list-style-type: none"> <li>Development of the site will result in a visual impact because the site is presently vacant. Currently properties across the road from the Felton site have unobstructed views of Mt. Tamalpais. The L-1 district permits heights up to 25 feet.</li> </ul>	<ul style="list-style-type: none"> <li>Any development of the site will be subject to provisions of the Design Review ordinance. This ordinance addresses building and site design issues; including competent design, harmonious relationship structures and the site and neighborhood.</li> <li>All utilities shall be underground.</li> </ul>	<ul style="list-style-type: none"> <li>Planning</li> </ul>	<ul style="list-style-type: none"> <li>Design Review</li> </ul>

**EXHIBIT C**  
**City Council Resolution 22/94**

Findings for General Plan Amendments. Larkspurs General Plan recommends that at least the following standard findings should be made for each General Plan amendment (refer to page 9 of Larkspurs General Plan):

**1) The proposed amendment is deemed to be in the public interest;**

The city has determined that this small half acre site is not appropriate for locating new mobile home units because:

1. The site is subject to noise levels that exceed 70 dB (L<sub>dn</sub>). The Land Use Compatibility Standards of the General Plan (Figure 7-9) states the areas exposed to this noise level are "potentially unacceptable" for residential use; and that new construction or development should generally be discouraged.

If new residential development is to proceed on this site, the general plan requires that noise insulation features be incorporated in the design and outdoor areas must be shielded. The costs and level of effort associated with these required improvements renders development of a new mobile home park economically unfeasible given the small lot size and the limited density allowed by the general plan.

2. According to Sedway & Associates (applicant's economic consultants), there is a high demand for light industrial buildings in Marin County. Thus, the proposed use would fulfill a regional need.

**2) The proposed General Plan amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected;**

The proposed amendment is consistent with the rest of the general plan. Housing Element Policy 1.4 which calls for retention of existing mobile home areas does not apply in this case because the half acre site was not a mobile home area at the time of general plan adoption and rezoning. Further, the State (Department of Housing and Community Development's Mobilehome Parks Program) has never recognized the Felton site as a mobilehome site.

Larkspurs General Plan maps indicate that the site is subject to seismic, geologic, flooding, and noise hazards. The general plan provides programs to address these impacts; all of which shall be imposed on any project that is built on this site and none of which precludes light industrial use of the site. Further, a mitigated negative declaration has been prepared for this proposed general plan amendment that includes mitigations to address the impacts associated with these potential hazards identified in the general plan.

**3) The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare;**

The Initial Study and mitigated negative declaration addresses the impacts of the proposed amendment. Many of the impacts identified in the Initial Study relate to the characteristics of the site itself, its location and proximity to Highway 101. No matter what is developed on the site, potential impacts related to seismic, geologic, flooding, and noise hazards will still be there. However, there are mitigation measures to address these impacts that will be imposed on the project with the implementation of city regulations and processing.

The environmental review for the Felton site focuses on the development plan as described by the applicant; mitigation measures are recommended commensurate with the amount of detail provided by the applicant. If the city decides to approve Mr. Felton's application for general plan amendment and rezoning, he and / or his successor(s) in interest will be required to submit an application for Design Review approval and Circulation Assessment Permit. As mentioned in the Initial Study, development of the site will also require approval of a development permit under the Flood Plain Management Ordinance; and compliance with California's Community Right-To-Know Law and Hazardous Materials Disclosure Requirements enforced by the Marin County Office of Waste Management.

City Council Resolution 22 / 94  
Exhibit C

In terms of the other potential uses permitted by the Light Industrial zoning district, recommended mitigations are limited to broad brush conditions and criteria that shall be imposed on the project pursuant to the city's regulations. Specific mitigations for potential uses can not be provided until a specific project is before the city. At that time environmental review of the specific project will be conducted resulting in a determination of whether a negative declaration or an EIR will be prepared for the specific project. Any use and development of the site will be subject to the same regulations as the proposed bulk storage / warehouse use as outlined in section XXII of the Initial Study.

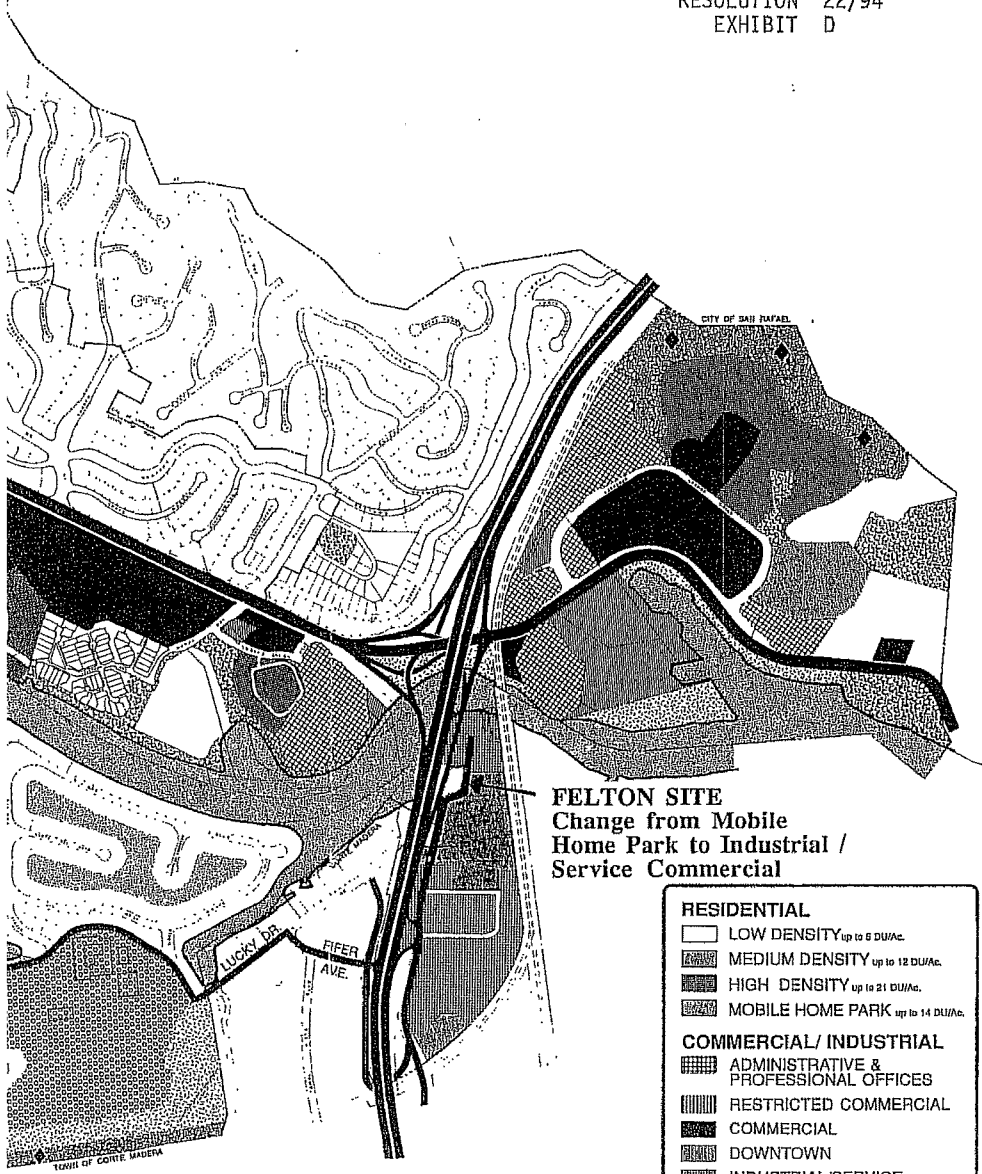
The Mitigation Monitoring Program adopted as part of this general plan amendment results in a project that is not detrimental to the public health, safety, or welfare.

**4) The proposed amendment has been processed in accordance with the applicable provisions of the Government Code and the California Environmental Quality Act.**

An Initial Study and Mitigated Negative Declaration has been prepared pursuant to CEQA. The general plan amendment and rezoning proposal; as well as, the environmental documents have been circulated to the Interested and Responsible agencies and the State Clearinghouse. No comments were received by the State Clearinghouse within the review period.

Further, public notice of the general plan amendment, rezoning, preparation and adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program; and public hearings related to this matter has been given to the public and interested persons.





**FELTON SITE**  
Change from Mobile  
Home Park to Industrial /  
Service Commercial

- RESIDENTIAL**
- LOW DENSITY up to 6 DU/Ac.
  - MEDIUM DENSITY up to 12 DU/Ac.
  - HIGH DENSITY up to 21 DU/Ac.
  - MOBILE HOME PARK up to 14 DU/Ac.

- COMMERCIAL / INDUSTRIAL**
- ADMINISTRATIVE & PROFESSIONAL OFFICES
  - RESTRICTED COMMERCIAL
  - COMMERCIAL
  - DOWNTOWN
  - INDUSTRIAL/SERVICE COMMERCIAL

- PUBLIC & GOVERNMENT**
- SCHOOLS
  - PUBLIC FACILITIES

- OPEN SPACE**
- PARKLAND
  - OPEN SPACE (◆ = Private)
  - SHORELINE/MARSH CONSERVATION
  - EDUCATIONAL/ENVIRONMENTAL RESOURCE AREA
  - WATER

- ROADS**
- FREEWAY
  - MAJOR ARTERIAL
  - SECONDARY ARTERIAL
  - LOCAL STREET

— OPEN RESIDENTIAL  
up to 0.2 DU/Ac.

**FOR FURTHER INFORMATION**

This LAND USE and CIRCULATION map is only one of several General Plan diagrams that affect development in Larkspur.

Trails, paths, and bikeways are shown on a separate diagram, Figure 8-2. Other diagrams which should be consulted, including flood zones, seismic hazards, and slope stability, are listed in the Table of Figures at the beginning of the General Plan text. The General Plan text, itself, should be consulted.

This base map was developed in June, 1989, primarily for the General Plan. No claim is made as to the accuracy of this map from an engineering standpoint.

This Land Use and Circulation map is intended for General Planning purposes only, and not for specific site plans or studies. The City of Larkspur is neither responsible nor liable for use of this map beyond its intended purposes.

**CITY OF LARKSPUR**  
COUNTY OF MARIN

ADOPTED BY CITY COUNCIL  
Date \_\_\_\_\_ Resolution No. \_\_\_\_\_

AMENDED BY CITY COUNCIL

Date	Resolution No.	Date	Resolution No.

Planning Director \_\_\_\_\_ Date \_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**LARKSPUR GENERAL PLAN**  
LAND USE and CIRCULATION