

**CITY OF LARKSPUR**

**RESOLUTION NO. 46/06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LARKSPUR  
CERTIFYING AN ENVIRONMENTAL IMPACT REPORT, MAKING  
CEQA FINDINGS FOR THE CLASP PROJECT, AND ADOPTING  
AMENDMENTS TO THE LARKSPUR GENERAL PLAN LAND USE,  
CIRCULATION, AND BICYCLE AND PEDESTRIAN TRAILS AND PATHS  
ELEMENTS CONSISTENT WITH THE PROPOSED DRAFT  
CENTRAL LARKSPUR SPECIFIC PLAN**

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- WHEREAS, on December 19, 1990 the City Council approved Resolution No.75/90 approving an update of the City's General Plan; and
- WHEREAS, in July, 1999, the City Council appointed a 19-member advisory committee to oversee preparation of the Central Larkspur Specific Plan, or CLASP; and
- WHEREAS, the City of Larkspur built upon the CLASP Advisory Committee's work and numerous public workshops to seek local input and comment on the proposed CLASP; and
- WHEREAS, amendments to the Land Use, Circulation, and Bicycle and Pedestrian Trails and Paths Elements of the Larkspur General Plan are necessary to bring consistency between Draft CLASP and the General Plan; and
- WHEREAS, at special meetings held on January 13, 2005 and February 3, 2005, the Planning Commission, and upon hearing and considering all oral and written testimony and arguments of all persons desiring to be heard, considered the Environmental Impact Report (EIR) for the Project and all the facts relating to the General Plan Amendment described herein, and at a regular meeting held on February 22, 2005, recommended approval of the proposed General Plan Amendments; and
- WHEREAS, during thirteen public hearings held between March 2005 and May 2006, the City Council of the City of Larkspur reviewed and considered the EIR for the Project, and upon hearing and considering all oral and written testimony and arguments of all persons desiring to be heard, considered the Environmental Impact Report (EIR) for the Project and all the facts relating to the General Plan Amendment described herein, and at a special meeting held on May 10, 2006 voted to send the Council's proposed changes to the CLASP (preliminary agreements) to the Planning Commission for report and recommendation; and
- WHEREAS, at special meetings held on July 26, 2006 and August 16, 2006, the Planning Commission, reviewed and considered all oral and written

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testimony and arguments of all persons desiring to be heard at that meeting and review and considered the preliminary agreements reached by the City Council during its series of public hearings and the Environmental Impact Report, and recommended approval of the proposed General Plan Amendments on August 16, 2006; and

WHEREAS, on September 6 and 20, 2006, the City Council of the City of Larkspur further reviewed and considered the EIR for the Project, all oral and written comments raised during the public hearings, the Planning Commission's report and recommendation, the information contained in the related staff report for the proposed General Plan Amendments, and all other related materials.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LARKSPUR DOES RESOLVE AS FOLLOWS:

**Section 1.** That the above recitals are true and correct.

**Section 2. Findings.** The City Council, in approving the General Plan Amendments, makes the following findings:

- a. By resolving potential conflicts between the General Plan and the Draft Central Larkspur Specific Plan, which has had extensive public participation and input, the General Plan Amendments are deemed to be in the public interest.
- b. The associated amendments to the Land Use, Circulation, and Bicycle and Pedestrian Trails and Paths Elements are to maintain internal consistency within the Larkspur General Plan. The General Plan Amendments, therefore, are consistent and compatible with the rest of the General Plan.
- c. The General Plan Amendments, which are consistent with other policies and programs of the General Plan, are not detrimental to the public health, safety, or welfare.
- d. The General Plan Amendments were considered during duly noticed public hearings to receive and consider public testimony regarding the General Plan Amendments and have been processed in accordance with the applicable provisions of the California Government Code.

**Section 3. Certification of Final Environmental Impact Report.**

- a. For purposes of the California Environmental Quality Act (CEQA), the CLASP project includes General Plan amendments, Downtown Specific Plan amendments, adoption of the CLASP, a rezoning, and related actions, which are collectively referred to in this Section 3 as the "Project."

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- b. Pursuant to the CEQA Guidelines Sections 15089 (a) and 15132, the Final EIR for the Project includes the following three separately bound documents, collectively: Revised Draft Environmental Impact Report dated November 14, 2003, the Technical Appendices dated November 14, 2003, and the Final Environmental Impact Report dated November 2004.
- c. The City Council pursuant to Section 15090 of the State CEQA Guidelines hereby certifies that the Final EIR has been completed in compliance with CEQA and the State CEQA Guidelines, as amended, that it has reviewed and considered the information contained in the Final EIR prior to reaching a decision on the CLASP Project, and that the EIR reflects the Council's independent judgment and analysis on the potential environmental impacts of the CLASP Project.
- d. The City Council hereby adopts the CEQA findings, mitigation measures, and Statement of Overriding Considerations, all of which are stated in Exhibit A, incorporated herein by reference, for the CLASP Project.
- e. Changes and revisions to the Project after circulation of the Draft EIR, including changes to the General Plan and Specific Plan text and diagrams, were proposed and considered throughout the public hearings. The City carefully reviewed the proposed changes and determined that none of the changes required re-circulation of the Draft EIR under CEQA Guidelines section 15088.5.
- f. Where the changes or revisions to the Project, as referenced in the above finding, affect mitigation measures identified in the Final EIR, related findings are made in Exhibit A. Among the changes to the Project is modification of Standard T-2 regarding a traffic light at the Doherty Drive/Larkspur Plaza intersection. No impact or mitigation was identified for this intersection because acceptable LOS is anticipated with the Project. The standard was revised to provide for signalization or "alternative intersection improvements" determined at the time of a specific development proposal. The City Council hereby finds that the revised Standard does not change the Final EIR conclusions with respect to the potential impacts of the Project because the record shows that any alternative improvements are to meet the intent of the traffic signal measure (Council 9/6/06 staff report, p. 12).
- g. The Final EIR is a Program EIR. The Specific Plan Project does not propose development of any individual projects; instead, it provides a framework for future development proposals through broad policy direction and program wide mitigation measures. Future development proposals will require discretionary review from the City and additional environmental review may be required at that time pursuant to CEQA's tiering principles.

- h. At the September 20, 2006 hearing, the City Council considered public testimony that the EIR should not be certified until the traffic analysis takes into account the recent addition of 5th grade to the middle school. Such analysis would be speculative at this point and is more appropriate in connection with updated traffic analyses during project-level environmental review for subsequent development projects. Traffic conditions are fluid, and will be affected by such factors as recent initiation of the Twin Cities Shuttle and the school district's decisions on enrollment and facilities. The EIR traffic analysis is based on projections from the school district and is adequate for the current programmatic review.

**Section 4. Approval.** The City Council of the City of Larkspur approves the Amendments to the 1990 Larkspur General Plan as outlined below:

1. Page 18, Land Use Element, **LAND USE CATEGORIES**, amend the **Low Density** category by adding the underlined language and deleting the ~~strikeout~~ language as follows:

**Low Density.** This category allows up to 5 dwellings per gross acre, which translates into approximately 10 persons per acre. One house is allowed on each lot unless a ~~use permit~~building permit is granted for a second unit. The addition of second units could increase density up to 10 dwellings (20 persons) per gross acre. The lowest minimum lot size is 7,500 square feet on parcels that are flat or on slopes up to 10 percent. (Some lots predate zoning restrictions and do not meet these requirements, but they are legal building sites.) On slopes greater than 10 percent, minimum lot sizes increase to 43,560 square feet (one acre) where slopes are 45 percent or more. The City may require minimum lot sizes as large as 10 acres for areas with Residential Master Plan zoning. The City may allow smaller lot sizes, multiple units on a single lot, and larger FAR's where permitted by a specific plan or Planned Development District.

2. Page 22, Land Use Element, **DESCRIPTIONS OF COMMERCIAL DISTRICTS**, amend the description for the **Niven Nursery** by adding the underlined language as follows:

**Niven Nursery**

Just around the corner from Downtown, on Doherty Drive, is the 16.8-acre Niven Nursery property. A retail nursery occupies the northeastern corner of the property, and a wholesale flower nursery (in existence since 1921) occupies the greenhouses to the west and south. The entire site has been zoned Light Industrial in recognition of the City's desire to foster the continued operation of the existing nursery, and Larkspur's historic consultant has stated that the nursery has potential for landmark designation based on its industrial use. However, to prepare for potential future redevelopment, The General Plan designates the site Low Density Residential. The site also includes a Parkland/Public Facilities

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designation to indicate that a neighborhood park and/or public facility is planned for the property. The precise location and size of the planned park and/or public facility for the Niven Nursery site will be determined as part of the development review process after a specific plan is adopted

3. Page 39, Land Use Element, **LAND USE CHANGES**, amend the **Land Use Changes** paragraph number 9 by adding the underlined language as follows:

9. The 16.8- acre Niven Nursery property fronting on Doherty Drive is designated Low Density Residential and Parkland/Public Facilities. However, the present wholesale and retail nursery uses on the site are viewed as desirable and will be allowed to remain indefinitely. Therefore, the property will retain its present zoning of L-1, Light Industrial, and the zoning ordinance will be amended to restrict the property to its present use. The property will be rezoned when it is no longer used for nursery, and a specific plan will be required before the property is redeveloped in any use other than nursery. (See Action Program 22 on page 35.) The precise location and size of the planned park and/or public facility for the Niven Nursery site will be determined as part of the development review process after the required specific plan is adopted. Some parts of this site may have potential for higher density residential - such as housing that is affordable to seniors and others - and commercial development, but potential problems with traffic, as well as transition to adjacent uses, must be addressed first.

4. Page 42, Land Use Element, **Figure 2-5, Changes to the Land Use Map**, amend paragraph number 9 by adding the underlined language as follows and deleting the ~~strikeout~~ language as follows:

Niven Nursery (22-110-45)	Low Density Residential <u>and</u> <u>Parkland/Public</u> <u>Facilities</u>	16.8	90—Target of 66 <u>residential units;</u> <u>maximum 85</u> <u>residential units if</u> <u>project</u> <u>provides</u> <u>extraordinary</u> <u>benefits to</u> <u>the community.</u>
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5. **General Plan Land Use and Circulation Map**, amend Map to add "(\* = Park location and size to be determined)" after "Parkland."
6. **General Plan Land Use and Circulation Map**, amend the **General Plan Land Use and Circulation Map** to add a small circle of Parkland designation with an "\*" to Assessor Parcel Number 22-110-45 to indicate Parkland/Public Facilities; location and size to be determined.

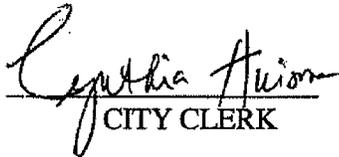
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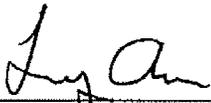
7. **Figure 8-2, Bicycle/Pedestrian Circulation Plan** (follows page 164), amend the **Bicycle/Pedestrian Circulation Plan** map as follows:
- a. Delete the symbol designating a Planned Class 2 lane on the south side of Doherty Drive from Magnolia Avenue to Riviera Circle and replace it with the symbol designating a Planned Class 1 Path.
  - b. Designate a Planned Class 1 Path in Subarea 3 of the Central Larkspur Specific Plan connecting the Class 1 Path on the former Northwest Pacific railroad right-of-way to Larkspur Plaza Drive.
  - c. Designate a Planned Class 2 Route on both sides of Larkspur Plaza Drive from the intersection with Doherty Drive to the existing Class 1 Path in the Creekside neighborhood.
  - d. Designate a Class 1 Route on the east side of the north/south reach of the creek to reflect the existing route.

IT IS HEREBY CERTIFIED that the City Council of the City of Larkspur duly introduced and adopted the foregoing resolution at a regular meeting held on the 20<sup>th</sup> day of September, 2006 by the following vote, to wit:

AYES:	COUNCILMEMBERS	Hartzell, Hillmer, Lundstrom
NOES:	COUNCILMEMBERS	Chu, Arlas
ABSTENTIONS:	COUNCILMEMBERS	None
ABSENT:	COUNCILMEMBERS	None

ATTEST:

  
CITY CLERK

  
MAYOR

## EXHIBIT A

### CENTRAL LARKSPUR SPECIFIC PLAN PROJECT CEQA FINDINGS

#### I. Final EIR Certification.

The City Council makes these findings in connection with certification of the Final EIR for and approval of the Central Larkspur Specific Plan Project, hereafter "CLASP" or "Project". The Final EIR analyzed the potential environmental effects of approving the CLASP, which approval includes adoption of the Central Larkspur Specific Plan, approval of related General Plan amendments, approval of related amendments to the Downtown Specific Plan, and rezoning the Niven/Subarea 3 portion of the Project site from LI, Light Industrial, to the PD, Planned Development, District. The Final EIR consists of the following three separately bound reports.

Revised Draft Environmental Impact Report, Central Larkspur Specific Plan, November 14, 2003. This specific document is referred to as "DEIR" in these findings.

Revised Draft Environmental Impact Report, Central Larkspur Specific Plan, Technical Appendices, November 14, 2003.

Final Environmental Impact Report, Central Larkspur Specific Plan, November, 2004. This specific document contains responses to comments received on the DEIR during the public review period and is referred to as "FEIR" in these findings. Final EIR refers collectively to all three of the documents.

These documents and related files and information are on file in the Larkspur Planning Department, City Hall, 400 Magnolia Avenue, Larkspur, California 94939.

#### II. MITIGATION MONITORING PROGRAM

The Central Larkspur Specific Plan is a self-monitoring document. All mitigation measures that can be implemented by the City of Larkspur have been incorporated into the Central Larkspur Specific Plan. Monitoring of the Project mitigation measures will occur during the review of discretionary actions, public and private projects, and capital improvement programs as the Specific Plan is applied to and implemented through these subsequent projects. Monitoring will also occur through periodic updates, reviews, and amendments of the Specific Plan. Implementation of the Specific Plan, and hence its monitoring, is primarily the responsibility of the City of Larkspur and its departments and divisions. Two traffic mitigation measures, MMs 4.7-11 and 4.7-12, require coordination with the City of Corte Madera; the City of Corte Madera has confirmed that the mitigations have already been completed. Related findings have been included below for the record.

### III. CEQA FINDINGS

Section 21081 of CEQA and section 15091 of the State CEQA Guidelines specify that the City shall not approve a project for which an EIR has been certified which identifies one or more significant effects of the project unless it makes written findings for each of the significant effects. The findings must also be accompanied by a brief explanation of the rationale for each finding. The explanation for these findings on the CLASP project is drawn from the Final EIR, other evidence presented to the City, including but not limited to the testimony and exhibits presented to the City Council at the public hearings on the Project, and all other information in the administrative record.

The Final EIR identifies a number of significant or potentially significant impacts that can be mitigated to less than significant. Related mitigation findings are presented below. Some of the impacts cannot be mitigated to less than significant, therefore, these findings address Project alternatives as required by CEQA section 21002 and CEQA Guidelines section 15091, and include a Statement of Overriding Considerations pursuant to CEQA Guidelines section 15093.

In its approval of the Project and in adopting the findings set forth below, the City Council recognizes that CEQA review of the Specific Plan and related legislative approvals focuses on the potential environmental consequences of the broad policy decisions reflected in the plans. The Final EIR does not attempt to specify the mitigation measures for every subsequent or implementing development or improvement project; nor does it rule out environmental review and mitigation, as appropriate, for future projects. Specific development or improvement projects, which have a potential significant impact, would be subject to additional CEQA review, including consideration of project-specific mitigation measures and the requirement of a statement of overriding considerations if impacts cannot be mitigated to a level of insignificance. The Central Larkspur Specific Plan includes policies and standards for the reduction of impacts appropriate to a Specific Plan and the related general plan and zoning approvals.

Many of the impacts and mitigation measures in the following findings are summarized rather than set forth in full. The text of the DEIR and FEIR documents should be consulted for a complete description of the impacts and mitigations.

#### A. Findings Regarding Significant Impacts and Mitigation Measures.

##### **Impact 4.3-3: Soil Erosion During Construction Activities (DEIR p. 4.3-13).**

Mitigation Measure 4.3-3. *Prepare and Implement Stormwater Pollution Prevention Plan (DEIR p. 4.3-17, 18; FEIR p. 3-23).* The City shall include the following new policy in the Specific Plan.

New Policy: To reduce the potential for impacts on Larkspur and Corte Madera Creeks from soil erosion caused by grading and other construction activities, the developer for either public or private projects shall prepare an Erosion Control Plan, for

any construction activity, including those that involve less than one acre of disturbance area, to control the potential for Stormwater to erode site soils and cause them to enter the creeks. The plan, which shall be in the form of a SWPPP, shall be reviewed and approved by the City and the San Francisco Bay Regional Water Quality Control Board (RWQCB) prior to the issuance of construction permits and shall be implemented during construction activities and for the next rainy season following completion of construction. The Erosion Control Plan shall comply with the City's Grading Ordinance and shall include, but shall not be limited to, the following measures:

- Grading/earthmoving shall not occur during the rainy season (October 15—March 15). Should construction proceed during or shortly after wet-weather conditions at any time of year, the geotechnical engineer in the field at the time of grading/earthmoving shall provide specific wet-weather grading/earthmoving recommendations
- A vegetated buffer shall be protected during grading/earthmoving next to Larkspur Creek. This buffer shall be at least 50 feet wide from the top of the bank on the north/south reach of the creek at the eastern edge of the Specific Plan area, and at least 25 feet wide from the top of bank on the east/west reach of the creek at the southern edge of the Specific Plan area. The conditions of all development permits within Subarea 3 and all subsequent grading permits shall both specify that before the start of any grading, orange barrier fencing shall be installed at the outer edge of the protected buffer area. The fencing shall be maintained until all construction activities have ceased. No construction activity, including the storage of construction materials, or vehicles staging or maneuvering, shall be permitted in the buffer area except those activities to implement requirements of the San Francisco Bay Regional Water Quality Control Board 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 Mitigation Measures 4.5-2a and 4.5-2b of the DEIR.
- Silt fencing and straw bales shall be used along Larkspur Creek to trap any silt flows from unvegetated ground.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR by requiring comprehensive measures tailored to the particular project to control and minimize runoff from construction areas into Larkspur and Corte Madera creeks, including construction activities on smaller sites that might not otherwise be subject to erosion control regulation. The policy outlined in the mitigation measure has been included in the Specific Plan in Ch. 8, Policy 5, nos.1a, b.

**Impact 4.3-5: Damage to Underground Utilities Caused by Corrosive Soils (DEIR p. 4.3-15).**

Mitigation Measures 4.3-5 a, b. (DEIR pp. 4.3-18, 19; FEIR pp. 3-23, 24.)

*(a) Geotechnical Testing and Engineering Design Report That Includes a Corrosive Soil Evaluation.* The City shall include the following new policy in the Specific Plan:

**New Policy:** The City shall require the submittal of geotechnical testing and engineering design reports that include evaluation of corrosive soils.

*(b) Backfill with Noncorrosive Soil and Use Corrosion- Resistant Materials.* The City shall include the following new policy in the Specific Plan.

**New Policy:** Utility line excavations shall be backfilled with noncorrosive soil backfill materials or pipelines shall be constructed of corrosion-resistant materials.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR in that specific testing to identify the presence of corrosive soils and to implement related protective measures have been added to current requirements for geotechnical investigations. The policies outlined in the mitigation measure have been included in the Specific Plan in Ch. 8, Policy 5, nos. 2, 3.

**Impact 4.4-4: Resource Degradation Resulting from Contribution of Sediments or Contaminants to Freshwater or Wetland Areas (DEIR pp. 4.4-17, 18).** This is also a significant cumulative impact.

Mitigation Measure 4.4-4: (DEIR p. 4.4-21; FEIR p. 3-24)

*Implement MM 4.3-3.* The City shall include the following new policy in the Specific Plan.

**New Policy:** The City shall require implementation of Mitigation Measure 4.3-3, Prepare and Implement SWPPP, to reduce the contribution of sediments or contaminants to freshwater and wetland areas.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR by requiring stormwater control plans to address techniques to prevent construction and post-construction pollutants, such as sediment and petroleum hydrocarbons, from being conveyed to local creeks and waterways. The policy outlined in the mitigation measure has been included in the Specific Plan, Ch. 8, Policy 5, nos. 1a, b.

**Impact 4.4-5: Temporary Lowering of Groundwater Table and Potential Increase in Salinity (DEIR p. 4.4-19).**

Mitigation Measure 4.4-5: (DEIR p. 4.4-21)

*Implement Groundwater Testing Program in Conjunction with Dewatering.* The City shall include the following new policy in the Specific Plan.

New Policy: A groundwater testing program shall be implemented in conjunction with any dewatering of the Specific Plan area. This program shall include measures to ensure that dewatering for construction will not result in salinity intrusion. Any water removed during dewatering shall be stored and tested for residual contamination consisting of metals or chlorinated pesticides before disposal.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR by requiring groundwater testing in connection with any construction dewatering and requiring measures to ensure that salinity intrusion does not occur during dewatering. The policy outlined in the mitigation measure has been included in the Specific Plan, Ch. 8, Policy 5, no. 4.

**Impact 4.4-6: Degradation of Groundwater Quality (DEIR pp. 4.4-19, 20).** This is also a significant cumulative impact.

Mitigation Measure 4.4-6: (DEIR p. 4.4-21; FEIR p. 3-24)

*Implement Mitigation Measures 4.3-3 and 4.4-5.* The City shall include the following new policy in the Specific Plan.

New Policy: The City shall require implementation of Mitigation Measure 4.3-3, Prepare and Implement SWPPP, and Mitigation Measure 4.4-5, Implement Groundwater Testing Program in Conjunction with Dewatering, for all development in the Specific Plan area in order to reduce the increase in pollutants conveyed to the groundwater table to a less-than-significant level and ensure that site dewatering for construction will not result in groundwater quality impacts.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR by requiring stormwater plans to identify ways to reduce the amount of construction and post-construction pollutants that could otherwise infiltrate into groundwater. The policy outlined in the mitigation measure has been included in the Specific Plan, Ch. 8, Policy 5, no. 1a, b and no. 4.

**Impact 4.5-2: Effects on Larkspur Creek (DEIR pp. 4.5-17, 18).** This impact is also cumulatively significant.

Mitigation Measures 4.5-2a, b: (DEIR p. 4.5-21)

*(a) Protect Sensitive Salt Marsh Habitat Associated with Larkspur Creek.* The City shall include the following new policies in the Specific Plan to protect and enhance habitat on the banks of Larkspur Creek and in the buffer area.

New Policy: The developer of Subarea 3 shall prepare and the City shall approve a native plant restoration plan for upland habitat for the Larkspur Creek buffer area. The restoration plan shall be developed by a qualified restoration ecologist, and shall include the following components: proposed methods to eliminate non-native, invasive species; a native plant planting and irrigation plan that considers and is compatible with any water treatment and stormwater detention ponds; a description of a proposed monitoring schedule; and performance standards to ensure that the restoration effort is successful. Target species for removal shall include French and Spanish broom, oleander, Himalayan blackberry, pampas or jubata grass, and fennel. Recommended replacement species include but are not limited to arroyo and Pacific willow, coyote bush, native bunchgrasses, toyon, and coast live oak. Implementation of the native plant restoration plan shall be a condition of any project approvals in Subarea 3. Monitoring reports prepared by a qualified restoration ecologist shall be submitted to the City annually for 5 years. The first report shall be due to the City 12 months following the start of implementation of the restoration plan. (See SP Ch. 7, Standard D-62A.)

New Policy: To minimize soil erosion and other secondary impacts on wildlife by pedestrians and cyclists, no bikeways or footpaths will be constructed within the Larkspur Creek buffer area. Permanent fencing designed to discourage people and their pets from entering restored habitat in the buffer area shall be installed along the outside edge of the buffer. (See SP Ch. 7, Policies D-9, 10.)

New Policy: Less than 12 months following the start of implementation of the restoration plan, signage that includes interpretive displays shall be posted on bikeways and footpaths alerting visitors to the nearby sensitive habitat and explaining the importance of protection of these areas. Signs shall also be posted requiring that all dogs be on leashes and kept out of the setback area. (See SP, Ch. 7, Standard D-62-B.)

*(b) Implement Mitigation Measure 4.3-3.* The City shall implement Mitigation Measure 4.3-3, Prepare and Implement an Erosion Control Plan. (See SP, Ch. 8, Policy 5, nos.1a, b.)

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR by providing a buffer area along the creek that restricts construction, improvement, and use of sensitive areas along the creek, and by requiring a native plant

restoration plan to eliminate invasive non-native plants. The policies outlined in the mitigation measure have been included in the Specific Plan, as identified above.

**Impact 4.6-3: Violation of Air Quality Standards (DEIR pp. 4.6-9, 10).** This is also a significant cumulative impact.

Mitigation Measure 4.6-3: (DEIR p. 4.6-13)

*Permit Residential Installation of Natural Gas or Pellet Burning Fireplace Appliances Only.* The City shall include the following new policy in the Specific Plan.

New Policy: The City shall prohibit residential wood burning appliances and fireplaces and shall permit only natural gas or pellet burning fireplace appliances as a condition of approval of all planned development permits for residential construction. This measure effectively eliminates more than 90% of ROG emissions, thus mitigating emissions below the level of significance. Natural gas and pellet residential heating stove emissions are almost PM10 free; thus, wood smoke impacts would be eliminated. This measure would also control PM10 emissions and avoids contributing to existing violations of the 24-hour and annual PM10 standards. CO and TACs from combustion would also be almost completely eliminated by this measure.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR by prohibiting wood-burning appliances and fireplaces, thereby eliminating nearly all wood smoke that would otherwise generate extensive ROG emissions, as well as controlling particulates and toxic air contaminants from wood smoke. The policy outlined in the mitigation measure has been included in the Specific Plan, Ch. 7, Policy D-70.

**Impact 4.6-4: Health Threats from Potential Construction-Related Release of Asbestos and Lead (DEIR pp. 4.6-10, 11).**

Mitigation Measure 4.6-4: (DEIR p. 4.6-13)

*Implement Mitigation Measure 4.12-2.* The developer shall implement Mitigation Measure 4.12-2, Implement a Demolition Plan, described in Section 4.12, Hazards and Hazardous Materials.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR through requirements for a demolition plan addressing safe demolition techniques to protect workers, nearby residents and schools. The policy outlined in the mitigation measure has been included in the Specific Plan, Ch. 8, Policy 5, no. 17.

**Impact 4.6-5: Substantial Emissions of Dust and Diesel Exhaust During Construction and Remediation (DEIR p. 4.6-11; FEIR pp. 3-24, 25).**

Mitigation Measures 4.6-5a, b: (DEIR pp. 4.6-13 to 16; FEIR p. 3-25)

(a) *Implement Control Measures to Control Dust that Includes PM 10 from Construction Activities.* The City shall include the following new policy in the Specific Plan.

New Policy: The City shall condition all future development permits to require implementation of effective and comprehensive dust control measures. Implementation of feasible controls, outlined below, can substantially reduce construction PM<sub>10</sub> emissions. Construction activities are also subject to BAAQMD Regulation VIII, which requires suppressing dust emissions from all sources of dust generation using water, chemical stabilizers, and/or vegetative ground cover.

Implementing fugitive dust control measures can greatly reduce adverse impacts. According to BAAQMD, estimating the amounts of construction dust from a particular project is at best imprecise. The air district prefers to evaluate construction dust significance by project size and proximity to sensitive receptors. Potential adverse impacts then determine which control measures will be implemented. The Specific Plan area is near existing sensitive receptors (residences, schools) and the dust generated may contain contaminants. Thus construction activities need the most stringent control measures recommended by the BAAQMD. These measures, stated below, would reduce construction dust to the maximum extent feasible (by 70% or more). Therefore, the construction contractor shall implement all of the following measures:

1. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
2. Cover all hauling trucks or maintain at least 2 feet of freeboard. Pave, apply water at least twice daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
3. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas. Sweep adjacent streets daily (with water sweepers) if visible soil material is deposited onto the road surface.
4. Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas that are inactive for 10 days or more).
5. Enclose, cover, water twice daily, or apply (nontoxic) soil binders to exposed stockpiles.
6. Limit traffic speeds on any unpaved roads to 15 mph.

7. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
8. Replant vegetation in disturbed areas as quickly as possible.
9. Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the construction site.
10. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
11. Designate an air quality coordinator for the project. Prominently post a phone number for this person on the job site, and distribute same to all nearby residents and businesses. The coordinator will respond to and remedy any complaints about dust, exhaust, or other air quality concerns. A log shall be kept of all complaints and how and when the problem was remedied.
12. Perform air monitoring during remediation activities. If deemed appropriate by the lead agency, DTSC, and/or BAAQMD conduct air monitoring through use of direct-reading instruments and collection of samples on the site. Prepare a Health and Safety Plan, which shall include air monitoring procedures. The Health and Safety Plan shall be reviewed and approved by the California Department of Toxic Substance Control.

(See SP, Ch. 8, Policy 5, no. 5a through l.)

*(b) Implement All Feasible and Reasonable Control Measures to Reduce Construction Activity TACs.* The City shall include the following new text and policy in the Specific Plan. (See SP, Ch. 8, Policies 5, 6.)

Text: Diesel exhaust is a major source of fine particles, as well as more than 40 substances that are listed as hazardous pollutants. The BAAQMD CEQA Guidelines recognize use of alternatively fueled construction equipment as an effective mitigation. Low-emission fuels are currently available to minimize construction equipment TAC emissions. Engine tuning and control equipment retrofit would help minimize emissions of NO<sub>x</sub> that contributes to PM<sub>10</sub> and PM<sub>2.5</sub>. 100% biodiesel fuel, called B100, reduces TAC emissions by approximately 80% to 90%. Ultra-low sulfur fossil diesel fuel (less than 15 ppm by weight) also significantly reduces PM<sub>10</sub>.

Oxidation catalysts or catalytic particulate filters are now available for many types of diesel equipment. These systems require biodiesel or CARB ultra low-sulfur diesel fuel. These systems in combination with ultra-low sulfur diesel can reduce emissions of fine particulates and toxic hydrocarbons by 90 percent or more. CARB-approved commercially available fuel additives, such as PuriNOx, reduce emissions of both NO<sub>x</sub> and PM<sub>10</sub> by 20% to 40%, depending on equipment.

New Policy: The City shall require all onsite construction and grading equipment to implement the following three emission control techniques:

1. Use biodiesel fuel for all onsite diesel powered equipment. For equipment with engines built in 1994 or later, B100 shall be used. In pre-1994 engines, B-20 fuel (a mixture of 20% biodiesel and 80% fossil diesel fuel) may be used if necessary. If B20 is used, the fossil diesel component should be CARB ultra low-sulfur fuel.

OR

Use an oxidation catalyst or catalytic particulate filter on all diesel powered equipment rated above 50 horsepower.

2. Use PuriNOx additive or equivalent.
3. Tune vehicle engines to produce minimum NO<sub>x</sub>, typically by engine retard of 4-8 degrees. This can reduce emissions by an additional 5%.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR by requiring implementation of specified comprehensive dust and diesel exhaust controls during construction. The policies outlined in the mitigation measure have been included in the Specific Plan as identified above.

**Impact 4.7-1: Unacceptable Level of Service at Doherty Drive/Riviera Circle/Redwood High School Intersection (DEIR pp. 4.7-26, 27).**

Mitigation Measure 4.7-1: (DEIR p. 4.7-41)

*Install Traffic Signal at Doherty Drive/Riviera Circle/Redwood High School.*  
Installation of a traffic signal will establish an acceptable LOS to the Doherty Drive/Riviera Circle/Redwood High School intersection. A traffic signal shall be installed at this intersection. The City has a Traffic Impact Fee (TIF), \$18.15 of the City Municipal Code. Installation of a traffic signal at the Doherty Drive/Riviera Circle/Redwood High School intersection is a project presently included within the City's TIF. Payment of the fee is required of all new development and is assessed by the City upon the issuance of a building permit. With implementation of this measure, the intersection would be expected to operate at acceptable LOS B during the a.m. and p.m. peak hour

Finding. As analyzed in the EIR, the traffic signal is expected to provide acceptable LOS performance at this intersection; however, the City Council is concerned whether this mitigation may be detrimental to pedestrian safety and Larkspur's quality of life, and thus may be inconsistent with adopted General Plan policies that place a higher priority on safety than traffic flow and speed. Consistent with Specific Plan Standard T-1.G (p. 5-3), the City shall continue to study whether signalization would adversely affect

pedestrian safety and safety at other nearby intersections. With the uncertainty of whether the mitigation can be implemented consistent with applicable General Plan policies, this impact is significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR

**Impact 4.7-2: Unacceptable Level of Service at East Ward Street/Magnolia Avenue Intersection (DEIR p. 4.7-28).**

Mitigation Measure 4.7-2: (DEIR p. 4.7-42)

*Remove Parking and Add Southbound and Westbound Left Turn Lanes at East Ward Street/Magnolia Avenue.* Additional capacity shall be created at the East Ward Street/Magnolia Avenue intersection by removing approximately four parking spaces from the west curb face of Magnolia Avenue directly north of East Ward Street. Removal of these spaces would allow for the striping of a southbound left turn bay. In addition, approximately four parking spaces shall be removed from the south curb face of East Ward Street east of Magnolia Avenue to create space for a westbound left turn bay. Removal of parking and addition of the left turn lanes is a project presently included within the TIF. Payment of the fee is required of all new development and is assessed on the issuance of a building permit. There can be a delay between the payment of required fees and the construction and completion of an identified improvement. The City shall monitor new construction to assure that traffic improvements are installed in a timely manner to mitigate impacts. Under Existing Plus Specific Plan conditions and upon completion of the proposed mitigation measure, the intersection would operate acceptably at LOS C during the a.m. and p.m. peak hours.

Finding. As analyzed in the EIR, the capacity improvements are expected to provide acceptable LOS performance at this intersection; however, the City Council is concerned whether this mitigation may be detrimental to pedestrian safety and Larkspur's quality of life, and thus may be inconsistent with adopted General Plan policies that place a higher priority on safety than traffic flow and speed. Consistent with Specific Plan Policy T-4A (p. 5-5), the City shall continue to study whether capacity improvements would adversely affect pedestrian safety and safety at other nearby intersections. With the uncertainty of whether the mitigation can be implemented consistent with applicable General Plan policies, this impact is significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR

**Impact 4.7-3: Unacceptable Level of Service at King Street/Magnolia Avenue Intersection (DEIR p. 4.7-28).**

Mitigation Measure 4.7-3: (DEIR p. 4.7-42)

*Install Traffic Signal at King Street/Magnolia Avenue.* A traffic signal shall be installed at the King Street/Magnolia Avenue intersection. Installation of this traffic signal is a

project presently included within the TIF. Payment of the fee is required of all new development and is assessed by the City on the issuance of a building permit. Upon installation of the traffic signal, the King Street/Magnolia Avenue intersection is projected to operate acceptably at LOS B during the a.m. peak hour and LOS C during the p.m. peak hour. The City shall monitor new construction to assure that the traffic signal is installed in a timely manner to mitigate the impact.

Finding. As analyzed in the EIR, the traffic signal is expected to provide acceptable LOS performance at this intersection; however, the City Council is concerned whether this mitigation may be detrimental to pedestrian safety and Larkspur's quality of life, and thus may be inconsistent with adopted General Plan policies that place a higher priority on safety than traffic flow and speed. Consistent with Specific Plan Policy T-4A, Standard 4.A.D, (p. 5-5), the City shall continue to study whether signalization would adversely affect pedestrian safety and safety at other nearby intersections. With the uncertainty of whether the mitigation can be implemented consistent with applicable General Plan policies, this impact is significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

**Impact 4.7-7: Construction Related Traffic (DEIR pp. 4.7-34, 35; FEIR p. 3-28).**

Mitigation Measure 4.7-7: (DEIR pp. 4.7-42, 43; FEIR p. 3-30)

*Prepare and Implement Detailed Construction Traffic Control Plan.* The City shall include the following new policy in the Specific Plan:

New Policy: Construction contractor(s) in the Specific Plan area shall be required to prepare a detailed construction management plan(s) prior to beginning work within the Specific Plan area. The plans shall provide information related to duration of the construction, size of work force, average daily truck deliveries, proposed truck routes to and from the construction site, and hours/days of operation. For remediation activities only, the construction management plan, which may also be a part of an Implementation Plan, shall be reviewed and approved by the California Department of Toxic Substances Control. For all construction activities, the construction management plans shall include traffic control measures specific to each construction site and vicinity; such measures may include the following:

- Preparation and filing of a detailed construction management plan by the contractor.
- Provision of on-site staging area for all equipment and material deliveries
- Provision of on-site parking for construction work force.
- To the extent possible, control of delivery truck activity to off-peak periods.
- Use of a flag person as needed during the heaviest construction periods.
- For remediation activities, provision of information regarding the routes to be used during transport of contaminated soil, the facility where contaminated soil is to be disposed, hours during which excavation will occur, traffic control and

loading procedures, and contingency measures in the case of spills or accidents. All transportation of contaminated solids during remediation activities shall comply with California Health and Safety Code §25160 and Title 22 of the California Code of Regulations §66263, which establish standards for the safe transportation, of hazardous waste.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR by requiring that effective and specific traffic control measures be identified for remediation and construction activities to ensure both human safety and traffic convenience. The policies outlined in the mitigation measure have been included in the Specific Plan, Ch. 8, Policy 5, no. 7a through f.

**Impact 4.7-8: Unacceptable Cumulative Level of Service at Doherty Drive/Riviera Circle/Redwood High School Intersection (DEIR pp. 4.7-39, 40).**

Mitigation Measure 4.7-8: (DEIR p. 4.7-43)

*Implement Mitigation Measure 4.7-1, Install Traffic Signal at Doherty Drive/Riviera Circle/Redwood High School.* Mitigation Measure 4.7-1 shall be implemented at Doherty Drive/Riviera Circle/Redwood High School intersection as described above under Project-level Mitigation Measures. Under the Existing Plus Cumulative Plus Specific Plan conditions and upon completion of the proposed mitigation measures, the intersection would operate at LOS C and B, respectively, during the A.M. and P.M. peak hours. This mitigation measure would reduce the impact to a level that is less than significant.

Finding: As analyzed in the EIR, the traffic signal is expected to provide acceptable LOS performance at this intersection; however, the City Council is concerned whether this mitigation may be detrimental to pedestrian safety, and thus may be inconsistent with adopted General Plan policies that place a higher priority on safety than traffic flow and speed. Consistent with Specific Plan Standard T-1, no. 1g (p. 5-3), the City shall continue to study whether signalization would adversely affect pedestrian safety and safety at other nearby intersections. With the uncertainty of whether the mitigation can be implemented consistent with applicable General Plan policies, this impact is significant and unavoidable. Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

**Impact 4.7-9: Unacceptable Cumulative Level of Service at East Ward Street/Magnolia Avenue Intersection (DEIR p. 4.7-40).**

Mitigation Measure 4.7-9: (DEIR p. 4.7-43; FEIR p. 3-30)

*Expand Mitigation Measure 4.7-2 to Add an Additional Northbound Left Turn Lane at East Ward Street/Magnolia Avenue.* A northbound left turn lane shall be created at this

intersection with the removal of approximately two to three parking spaces from the east curb face of Magnolia Avenue located directly south of East Ward Street. Under Existing Plus Cumulative Plus Specific Plan conditions and upon completion of the proposed mitigation measure the intersection would operate acceptably at LOS C during the a.m. and p.m. peak hours. This mitigation would reduce the impacts to levels that are less than significant.

Finding: As analyzed in the EIR, the capacity improvements are expected to provide acceptable LOS performance at this intersection; however, the City Council is concerned whether this mitigation may be detrimental to pedestrian safety, and thus may be inconsistent with adopted General Plan policies that place a higher priority on safety than traffic flow and speed. Consistent with Specific Plan Policy T-4A (p. 5-5), the City shall continue to study whether capacity improvements would adversely affect pedestrian safety and safety at other nearby intersections. With the uncertainty of whether the mitigation can be implemented consistent with applicable General Plan policies, this impact is significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

**Impact 4.7-10: Unacceptable Cumulative Level of Service at King Street/Magnolia Avenue (DEIR p. 4.7-40).**

Mitigation Measure 4.7-10: (DEIR p. 4.7-44)

*Implement Mitigation Measure 4.7-3, Install Traffic Signal at King Street/Magnolia Avenue.* Mitigation Measure 4.7-3, which is applicable to the intersection of King Street/Magnolia Avenue, shall be implemented as described above under Project-level Mitigation Measures. Under the Existing Plus Cumulative Plus Specific Plan conditions and upon completion of the proposed mitigation measures, the intersection would operate at LOS B and C, respectively, during the A.M. and P.M. peak hours. This mitigation measure would reduce the impact to a level that is less than significant.

Finding: The traffic signal is expected to provide acceptable LOS performance at this intersection; however, the City Council is concerned whether this mitigation may be detrimental to pedestrian safety, and thus may be inconsistent with adopted General Plan policies that place a higher priority on safety than traffic flow and speed. Consistent with Specific Plan Policy T-4A, Standard 4.A.D, (p. 5-5), the City shall continue to study whether signalization would adversely affect pedestrian safety and safety at other nearby intersections. With the uncertainty of whether the mitigation can be implemented consistent with applicable General Plan policies, this impact is significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

**Impact 4.7-11: Unacceptable Cumulative Level of Service at Wornum Drive/Tamal Vista Boulevard Intersection (DEIR p. 4.7-40).**

Mitigation Measure 4.7-11: (DEIR p. 4.7-44)

*Reconfigure Northbound Approach to Provide Dedicated Right Turn and Through Lane at Wornum Drive/Tamal Vista Boulevard.* The City shall coordinate with the City of Corte Madera to ensure the completion of a dedicated northbound right turn lane by widening the northbound approach on Tamal Vista Boulevard. Implementation of this mitigation measure may make it necessary to restrict left turn movements in and out of the North Sandpiper Circle/Tamal Vista Boulevard intersection. Upon implementation of this mitigation measure, the intersection is projected to operate acceptably at LOS C during the a.m. and p.m. peak hours. This mitigation would reduce the impacts to levels that are less than significant.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR in that expanding capacity will establish acceptable LOS. To the extent that coordination is required with the City of Corte Madera, the changes or alterations related to the mitigation are within the responsibility and jurisdiction of Corte Madera as well as the City of Larkspur. The changes have been implemented by Corte Madera and this mitigation has been completed.

**Impact 4.7-12: Unacceptable Cumulative Level of Service at Fifer Avenue/Tamal Vista Boulevard Intersection (DEIR pp. 4.7-40, 41).**

Mitigation Measure 4.7-12: (DEIR pp. 4.7-44, 45)

*Optimize and Coordinate Signals at Fifer Avenue/Tamal Vista Boulevard.* This T-intersection fully utilizes the existing right-of-way, and therefore the opportunity for widening and other physical changes is constrained. The City shall coordinate with the City of Corte Madera to ensure a change in the current traffic signal phasing and timing at this intersection in order to provide more green light time to the heaviest projected traffic movements. Currently, the northbound and southbound traffic travel concurrently after the northbound left turns are completed. In the proposed phasing plan the northbound and southbound traffic would travel exclusively of each other (split-phase) giving additional time to eastbound right turns (320 plus a.m. and p.m. peak hour vehicles). Implementation of this measure will require coordination with the signalized intersection to the south at Wornum Drive/Tamal Vista Boulevard. Upon implementation of this mitigation measure, the intersection is projected to operate acceptably at LOS C during the a.m. peak hour and LOS D during the p.m. peak hours. This mitigation would reduce the impacts to levels that are less than significant.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR in that providing more green-light time to heaviest traffic movements will

result in acceptable LOS operations at the intersection. To the extent that coordination is required with the City of Corte Madera, the changes or alterations related to the mitigation are within the responsibility and jurisdiction of Corte Madera as well as the City of Larkspur. The changes have been implemented by Corte Madera and this mitigation is completed.

**Impact 4.7-13: Unacceptable Cumulative Level of Service at Doherty Drive/Piper Park Intersection (DEIR p. 4.7-41).**

Mitigation Measure 4.7-13: (DEIR p. 4.7-45)

*Install Traffic Signal at Doherty Drive/Piper Park.* Installation of a traffic signal at this intersection would result in an acceptable level of service operations following development in the Specific Plan area. With implementation of this measure, the intersection would be expected to operate at acceptable LOS B during the a.m. and p.m. peak hour. This mitigation would reduce the impacts to levels that are less than significant.

However, Mitigation Measure 4.7-13 would not likely be implemented at this location based on a number of objective criteria and engineering best practice measures. The intersection fails to meet the City threshold of LOS C or better for unsignalized intersections, based solely on the delay that would be experienced by the southbound approach vehicles. This is less than 20 vehicles per peak hour under all analysis scenarios.

Many unsignalized intersections in both urban and suburban settings operate with failing minor approach streets. The criteria used to decide the appropriateness of a traffic signal covers a wide range of safety and quantitative data. One measure is found in the Caltrans publication, Traffic Manual-Traffic Signals & Lighting, Chapter 9, July 1996. The manual provides 11 Traffic Signal Warrants based on minimum vehicle volumes, pedestrian volumes, location (school area) and intersection accident history among others.

A review of the Caltrans warrants indicates that the intersection at Doherty Drive/Piper Park would not meet the peak hour volume warrant (Warrant 1) and would not likely meet any of the other 10 warrants.

Finding: Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final EIR. Mitigation measure 4.7-13 proposes to install a signal at the intersection and would result in acceptable LOS at the intersection. If, however, the intersection does not meet the Caltrans warrant for a signal and no signal is installed, the mitigation measure is infeasible and the impact would remain significant and unavoidable.

**Impact 4.8-1: Incompatibility of Noise Sensitive Land Uses with Existing Noise Environment (DEIR p. 4.8-12).**

Mitigation Measures 4.8-1a, b: (DEIR p. 4.8-17)

(a) *Conduct Acoustical Evaluation.* The City shall include the following new policy in the Specific Plan.

New Policy: Site plans for all development projects within the Specific Plan area shall be evaluated by an acoustical engineer to ensure that residential outdoor use areas are protected to a level not in excess of an Ldn of 55 dBA. The acoustical evaluation shall be reviewed by the City. Measures that could be used to achieve reduction in noise are increasing the distance between the outdoor use areas and any noise sources (for example, the Albertsons loading dock), using the buildings themselves to shield outdoor spaces, and constructing sound walls, earth berms, or combined sound walls and earth berms adjacent to noise sources.

(b) *Provide Mechanical Ventilation.* The City shall include the following new policy in the Specific Plan.

New Policy: Mechanical ventilation, which may include air condition or fans, shall be required where the outdoor noise level at the exterior of new residential uses exceeds an Ldn of 60 dBA.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR by requiring that new development show how it will meet the City's outdoor noise exposure standard for residential uses. The policies outlined in the mitigation measure have been included in the Specific Plan, Ch. 8, Policy 5, nos. 8, 9.

**Impact 4.8-2: Increased Noise Levels during Construction (DEIR p. 4.8-13).**

Mitigation Measure 4.8-2: (DEIR p. 4.8-18)

*Minimize Amount and Duration of Noise Intrusion During Construction and Take Measures to Correct Problems.* The City shall include the following new policy in the Specific Plan.

New Policy: The developer shall take the following measures to minimize noise intrusion during construction in the Specific Plan area:

1. Limit construction to the hours of 7 a.m. to 6 p.m. on weekdays, and 9 a.m. to 5 p.m. on Saturdays, Sundays, or legal holidays in accordance with Chapter 9.54 of the Larkspur Municipal Code.
2. Ensure that all equipment driven by internal combustion engines are equipped

with mufflers that are in good condition and appropriate for the equipment.

3. Use "quiet" models of air compressors and other stationary noise sources where technology exists.
4. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a remediation or construction project area.
5. Prohibit unnecessary idling of internal combustion engines.
6. Designate a "noise disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures warranted to correct the problem. Post the telephone number for the disturbance coordinator at a location clearly and easily visible to the public on the construction site.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR in that limiting construction hours ensures that noise exposure for nearby noise sensitive uses will be daytime only. The mitigation also requires construction equipment noise to be reduced through mufflers and other techniques so as to minimize the amount of noise exposure that does occur. The policy outlined in the mitigation measure has been included in the Specific Plan, Ch. 8, Policy 5, no. 10.

**Impact 4.11-2: Potential Damage to or Destruction of Archaeological Resources (DEIR p. 4.11-8, 12).** This is also a cumulative impact.

Mitigation Measures 4.11-2a, b: (DEIR pp. 4.11-10, 11; FEIR pp. 3-22, 33).

(a) *Implement Archaeological Testing Program.* The City shall include the following new policy in the Specific Plan. (SP, Ch. 8, Policy 5, no. 11.)

New Policy: An archaeological subsurface testing program to delineate and define the elements of CA-MRN-68 shall be implemented before the beginning of excavation activities or other activities that may disturb the resources. The archaeologist will make a preliminary assessment of NRHP and CRHR eligibility based on the results of the testing. If CA-MRN-68 is found to be potentially eligible for listing, then destruction of this site must be avoided.

(b) *Monitor Construction.* The City shall include the following new policy in the Specific Plan. (SP, Ch. 8, Policy 5, no. 12.)

New Policy: A professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, and a Native American observer (identified through the Native American Heritage Commission) shall be present to monitor ground disturbing

activities within the Specific Plan area. In the event that any archaeological resources are uncovered within the Specific Plan area during future remediation or construction activity associated with the implementation of the Specific Plan, there shall be no further excavation or disturbance of the archeological site or any nearby area until the archaeologist has evaluated the find and appropriate site-specific mitigation has been identified consistent with CEQA § 21083.2(b)(3) or (4) and CEQA Guidelines § 15126.4(b)(3).

Finding: Changes or alterations have been required in, or incorporated into, the project ensuring that excavation or other ground disturbance does not occur until the existing prehistoric site is evaluated for listing, and if listed, the site will be avoided. The mitigations also ensure that any currently unknown resources discovered during excavation activities will be mitigated consistent with the CEQA Guidelines requirements. The policies outlined in the mitigation measure have been included in the Specific Plan. Even with mitigation, however, the impact remains significant if the resources identified cannot be avoided by the Project. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

**Impact 4.11-3: Alteration of or Other Effects on Historical Resources (DEIR pp. 4.11-8, 9, 12).** This is also a significant cumulative impact.

Mitigation Measure 4.11-3: (DEIR)

*Document Historic Structures.* The City shall include the following new policy in the Specific Plan. (See SP, Ch. 8, Policy 5, no 13.)

New Policy: The Niven Nursery structures that appear to be eligible for listing in the CRHR shall be documented according to Historic American Buildings Survey (HABS) standards. This task shall be performed by a qualified Architectural Historian who meets the Secretary of the Interior's Standards and Guidelines, and shall be accomplished by those proposing development of Subarea 3 and approved by the City Planning Department before any demolition permit for that property is issued.

As indicated in the State CEQA Guidelines (Guidelines §15126.4(b)(2)), "In some circumstances, documentation of an historic resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur." 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 of these structures would remain a significant and unavoidable impact associated with implementation of the Specific Plan.

Finding: Changes or alterations requiring documentation of the Niven Nursery structures before demolition have been required in, or incorporated into, the project. The policy outlined in the mitigation measure has been included in the Specific Plan. Even with these mitigations, however, the impact remains significant and unavoidable. Specific

economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR

**Impact 4.11-5: Possible Discovery of Human Remains (DEIR p. 4.11-10, 12).**

Mitigation Measure 4.11-5: (DEIR pp. 4.11-11, 12)

*Stop Potentially Damaging Work if Human Remains are Uncovered During Construction, Assess the Significance of the Find, and Pursue Appropriate Management.* The City shall include the following new policy in the Specific Plan. (See SP, Ch. 8, Policy 5, no. 14.)

New Policy: California law recognizes the need to Protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code §7050.5 and §7052 and CEQA §5097.

In accordance with the California Health and Safety Code, if human remains are uncovered during construction at the project site, the construction contractor shall immediately halt potentially damaging excavation and notify the City or the City's designated representative. The City shall immediately notify the coroner. The California Health and Safety Code states that if human remains are found in any location other than a dedicated cemetery, excavation must be halted in the immediate area, and the county coroner is to be notified to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (California Health and Safety Code §7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission by phone within 24 hours of making that determination (California Health and Safety Code §7050[c]). The responsibilities of the City for acting upon notification of a discovery of Native American human remains are identified in CEQA §5097.9.

Finding: Changes or alterations have been required in, or incorporated into, the project to ensure that any human remains discovered during ground disturbance activities will be recovered in accordance with applicable law. The policy outlined in the mitigation measure has been included in the Specific Plan. However, even with mitigation the impact remains significant if the human remains identified cannot be avoided by the Project. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR

**Impact 4.12-1: MTBE and Hydrocarbon in Groundwater at Larkspur Service Station Site (DEIR p. 4.12-19).**

Mitigation Measures 4.12-1a, b: (DEIR pp. 4.12-22, 23)

*(a) Protect Construction Workers and Public Against Exposure to MTBE.* The City shall include the following new policy in the Specific Plan.

New Policy: When any construction work is undertaken in the Specific Plan area, the following measures shall be incorporated into the project prior to the issuance of construction permits and implemented during construction activities to prevent construction workers and the public from coming into contact with MTBE:

- Construction personnel should wear appropriate construction clothing (i.e., long pants, hard hat, gloves) during construction to minimize potential contact with groundwater containing MTBE. This clothing shall be in compliance with the requirements for construction personnel issued by Cal/OSHA and OSHA.
- Appropriate notices shall be posted at the project site to warn construction personnel and public of the presence of contaminated groundwater.
- The City and the San Francisco Bay RWQCB shall be notified immediately if discolored or odorous groundwater is encountered during excavation activities.
- When not under active construction or remediation, open trenches shall be covered where contaminated groundwater is present to prevent the public from coming in contact with contamination.

*(b) Prepare and Implement Dewatering Plan, and Install Impermeable Membrane Around Excavation Area if Necessary.* The City shall include the following new policy in the Specific Plan.

New Policy: The contractor for any construction work undertaken in the Specific Plan area shall prepare a dewatering plan and submit the plan to the City and the San Francisco Bay RWQCB for approval prior to issuance of construction permits. Dewatering of the excavation areas shall be performed in compliance with the occupational safety and health guidelines of Cal/OSHA and OSHA, and in a manner that allows discharge to the sanitary sewer system. If dewatering is not required, groundwater shall be tested to determine the presence of MTBE or other hydrocarbons, and water shall be treated using appropriate methods approved by the City and the San Francisco Bay RWQCB. Any water removed during dewatering shall be stored and tested for residual contamination before disposal. Water shall also be tested after treatment to ensure that constituent levels meet requirements for surface or groundwater discharge before disposal or infiltration. If necessary, an impermeable membrane shall be installed around the excavation area to prevent contaminants from reaching Larkspur Creek.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR by ensuring that construction workers and the public do not come into contact with MTBE and by requiring that any dewatering or other groundwater removal be controlled to test for, treat and appropriately dispose of MTBE or hydrocarbons, if any, found to be present in the groundwater. The policies outlined in the mitigation measure have been included in the Specific Plan, Ch. 8, Policy 5, nos. 15, 16.

**Impact 4.12-2: Demolition-Related Release of Hazardous Materials, Including Materials Containing Lead and Asbestos (DEIR pp. 4.12-19, 20).**

Mitigation Measure 4.12-2: (DEIR pp. 4.12-23 to 25)

*Implement a Demolition Plan.* The City shall include the following new policy in the Specific Plan.

**New Policy:** Site surveys for the presence of potentially hazardous building materials shall be reviewed/performed, and a demolition plan for safe demolition of existing structures in Subarea 3 shall be proposed by the developer and incorporated into the project prior to the issuance of construction permits and implemented during construction activities. The demolition plan shall address protection of both onsite workers, offsite residents, and occupants in nearby schools from chemical and physical hazards. The demolition plan shall reference, and include by this reference, all provisions of the Removal Action Plan and Health & Safety Plan for Subarea 3 as approved by DTSC. The demolition plan shall be reviewed by DTSC and by the City. A demolition permit shall be obtained from the Bay Area Air Quality Management District (BAAQMD), which would review the demolition plan prior to issuance of a permit. All contaminated building materials shall be tested for contaminant concentrations and shall be disposed of at appropriate licensed landfill facilities. Before demolition, hazardous building materials such as peeling, chipping, and friable lead-based paint, window glazing, and building materials containing asbestos shall be removed in accordance with all applicable guidelines, laws, and ordinances. The Demolition Plan shall include a program of air monitoring for dust particulates and attached contaminants. Dust control and suspension of work during dry windy days shall be addressed in the Demolition Plan. Before a demolition permit is obtained from the BAAQMD, an asbestos demolition survey shall be conducted in accordance with the requirements of BAAQMD Regulation 11, Rule 2.

The California Division of Occupational Safety and Health (DOSH) and OSHA do not define threshold limit values for lead-containing paints and, therefore, paints or coatings containing any detectable amounts of lead are regulated by these agencies' standards, if construction activities covered in the scope of these standards emit lead. The DOSH standards prescribe procedures to be followed based on anticipated exposure resulting from construction activities performed. Demolition procedures may involve potential worker exposure above the DOSH action level for lead. Therefore, the requirements of

Guidelines §1532.1 must be followed. These requirements include but are not limited to the following:

- Loose and peeling lead-containing paint and window glazing should be removed before building demolition. Workers conducting removal of lead paint and window glazing must receive training in accordance with Guidelines §1532.1.
- The lead paint and window glazing removal project should be designed by a lead project designer, project monitor, or supervisor certified by the DHS.
- A written Lead Compliance Plan that meets the requirements of the lead construction standard must be prepared by any contractor whose actions would have an impact on lead coatings.
- Workers conducting removal of lead paint and window glazing must be certified by DHS in accordance with Guidelines §1532.1.
- Workers who may be exposed above the Action Level must have blood lead levels tested before commencement of lead work and at least quarterly thereafter for the duration of the project. Workers who are terminated from the project should have their blood lead levels tested within 24 hours of termination.
- A written exposure assessment must be prepared in accordance with Guidelines §1532.1.
- Any amount of lead waste generated, including window glazing and painted building components, must be characterized for proper disposal in accordance with Title 22, §66261.24.

In addition, compliance with BAAQMD Regulation 11, Rule 1, Lead, which contains procedures that limit daily emissions of lead and ensures "a person shall not discharge an emission of lead, or compound of lead calculated as lead, that will result in ground level concentrations in excess of 1.0 ug/m<sup>3</sup> averaged over 24 hours." This regulation required calculations of and monitoring of lead concentrations to ensure compliance.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR through requirements for a demolition plan addressing safe demolition techniques to protect workers, nearby residents and schools. The policy outlined in the mitigation measure has been included in the Specific Plan, Ch. 8, Policy 5, no. 17.

**Impact 4.12-3: Exposure to Hazardous Materials during Removal of Contaminated Soil (DEIR p. 4.12-20).**

Mitigation Measure 4.12-3: (DEIR p. 4.12-25; FEIR pp. 3-34, 35)

*Implement Removal Action Workplan and Health and Safety Plan.* The City shall include the following new policy in the Specific Plan.

New Policy: The RAW developed for Subarea 3, under the oversight of DTSC, shall be incorporated into the project prior to the issuance of construction permits and implemented during construction activities. The workplan includes provisions for safe removal, transportation, and disposal of selected contaminated soil from Subarea 3. Removal of contaminated soils from the areas identified would reduce the cancer risk to less than 2 in 1 million. In compliance with the RAW, approved by DTSC, clean fill shall also be placed over much of Subarea 3, further reducing the potential for exposure of people to residual soil contamination. A detailed Health and Safety Plan shall be prepared to address measures to protect workers and the community during remedial activities, and shall be reviewed and approved by DTSC.

Finding. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR through the requirement for preparation and implementation of a Removal Action Workplan and a Health and Safety Plan for safe removal, transport and disposal of contaminated soils from the Niven site. The policy outlined in the mitigation measure has been included in the Specific Plan, Ch. 8, Policy 5, no. 18.

**Impact 4.12-4: Development on Hazardous Materials Site (DEIR p. 4.12-20).**

Mitigation Measure 4.12-4: (DEIR 4.12-25)

*Implement Mitigation Measure 4.12-3.* The City shall implement Mitigation Measure 4.12-3, implement Removal Action Workplan and Health and Safety Plan, described above.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR by ensuring that contaminated soils will be safely removed from the Niven site prior to development on the site. The policy outlined in referenced mitigation measure 4.12-3 has been included in the Specific Plan, Ch. 8, Policy 5, no. 18.

**Impact 4.12-5: Release of Contaminated Groundwater (DEIR pp. 4.12-20, 21; FEIR p. 3-34).**

Mitigation Measure 4.12-5: (DEIR pp. 4.12-25, 26)

*Implement Groundwater Testing, Storage, Treatment, and Disposal.* The City shall include the following new policy in the Specific Plan.

**New Policy:** Any groundwater removed from excavations in Subarea 3 during construction shall be temporarily stored and tested to determine the appropriate method of treatment and/or disposal. Provisions for this measure shall be incorporated into the project prior to the issuance of construction, permits.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR by ensuring that any groundwater removal during construction be controlled to test for, treat and appropriately dispose of contaminants, if any, found to be present in the groundwater. The policy outlined in the mitigation measure has been included in the Specific Plan, Ch. 8, Policy 5, no. 19.

**Impact 4.12-6: Potential Contamination of Soils Near Redwood High School, San Andreas High School and Hall Middle School (DEIR p. 4.12-21).**

**Mitigation Measure 4.12-6: (DEIR p. 4.12-26; FEIR p. 3-35)**

*Implement Demolition Plan and Removal Action Workplan.* The City shall include the following new policy in the Specific Plan.

**New Policy:** The proposed hazardous materials remediation plans and actions for Subarea 3 shall be implemented to reduce the overall risk to students at the nearby Redwood High School and Hall Middle School. During the demolition and remediation process, special measures shall be taken in accordance with an approved Demolition Plan and RAW to contain and remove potentially hazardous substances and wastes under controlled conditions. The developer shall prepare and submit these plans, which shall be approved by the City prior to the issuance of construction permits. The details of approved truck routes, truck cleaning and inspection, and contingencies in case of spills or accidents shall be addressed in an Implementation Plan that is to be reviewed and approved by DTSC prior to remediation of subarea 3. The implementation Plan shall include a Health and Safety Plan, Transportation Plan and Contingency Plan in accordance with Title 8 of the California Code of Regulations § 5192, California Health & Safety Code § 25160 and Title 22 of the California Code of Regulations § 66236 to assure that all remediation activities are protective of human health and the environment.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR by requiring that the hazardous materials removal plans for the Project include special measures to control the hazardous waste disposal process so as to avoid improper handling of the materials and minimize the potential for an accidental spill during that process. The policy outlined in the mitigation measure has been included in the Specific Plan, Ch. 8, Policy 5, no. 20.

**Summary of Mitigation Findings.** All but four potential adverse impacts (i.e., potential damage to or destruction of archaeological resources, potential alteration of or other effects on historical resources, possible discovery of human remains, and cumulative

level of service at Doherty Drive/Piper Park Intersection) would be subject to the policies, standards, and/or mitigation measures that would minimize or eliminate the significant impacts associated with development in accordance with the Central Larkspur Specific Plan. As the Final Environmental Impact Report and these findings reflect, many of the Plan's policies are specifically designed to avoid or minimize impacts, thereby self-mitigating most of the potentially significant impacts. Similarly, many of the measures above identify new policies to be included in the Specific Plan to mitigate impacts identified in the EIR.

### **B. Findings Regarding Project Alternatives.**

The Final Environmental Impact Report for the Project identified and analyzed a No Project Alternative, a Low Density Alternative and a Residential Focus Alternative. (See DEIR chapter 6, FEIR pp. 3-35 to 39.) City Council hereby finds that the Final EIR sets forth a reasonable range of alternatives to the Project so as to foster informed public participation and informed decision making. The City Council finds that the alternatives identified and described in the Supplemental EIR were considered and further finds them to be infeasible for the specific economic, social, or other considerations set forth below pursuant to CEQA section 21081(c). The City Council notes that certain traffic impacts were found significant and unavoidable in the foregoing mitigation findings based on the potential for the measure to conflict with adopted general plan policies. The same determination of significant unavoidable impact based on potential conflict of mitigations with the general plan likewise applies to the development alternatives.

No Project Alternative. (DEIR pp. 6-2 to 8; FEIR pp. 3-35, 36.) Under the No Project Alternative, development would be permitted consistent with the existing General Plan and Downtown Specific Plan. Limited amounts of additional commercial uses and up to 28 multi-family units could be developed. Because the General Plan requires approval of a Specific Plan before development of the Niven site other than for nursery use, no development other than existing wholesale and commercial uses are assumed for that site.

The City Council finds this alternative infeasible for the following reasons. With the limited amount of potential development, this alternative would avoid the Project's significant unavoidable traffic and historical resources impacts (except possibly the Doherty/Piper intersection impact if no signal is installed). This alternative would not provide for a comprehensive integrated and cohesive mixed-use neighborhood and would not facilitate development of the Niven site, and thus is inconsistent with the most basic objectives of the Project. Potential development of Subareas 1 and 2 under the Downtown Specific Plan could be similar to development of those areas under the Project, but would not be integrated through design or function with the Niven site, again, contrary to the Project objectives. The limited residential potential under this alternative would substantially inhibit attainment of the City's housing fair share under the adopted Housing Element.

Low Density Alternative. (DEIR pp. 6-9 to 14; FEIR pp. 3-36, 37.) The Low Density Alternative would substantially reduce both commercial and residential development across the Project area. In particular, up to 12 units would be developed in Subarea 1, no

units in Subarea 2 and up to 45 units in Subarea 3. This alternative assumes a 20-room hotel in Subarea 2 and a 10,000 sq. ft. community center in Subarea 3. A General Plan amendment would be required for implementation of this alternative.

The City Council finds this alternative infeasible for the following reasons. This alternative does not avoid any of the Project's significant unavoidable traffic or historical impacts. This alternative would also be far less effective in meeting the Project objectives for a mixed-use neighborhood by providing fewer residential uses to support the potential commercial uses and the existing Downtown commercial uses even though the site is within convenient walking distance of the Downtown. Further, the limited residential potential under this alternative would substantially inhibit attainment of the City's housing fair share under the adopted Housing Element not only through the reduced amount of housing, but also because no affordable housing would be provided on the Niven site (DEIR pp. 6-9, 10).

Residential Focus Alternative. (DEIR pp. 6-14 to 20; FEIR pp. 3-37, 38.) The Residential Focus Alternative would substantially increase residential development with more clustering, and would reduce commercial development although a 30-room hotel is assumed on Subarea 1. Up to 195 residential units could be developed throughout the Project area, together with commercial use and the hotel. A General Plan amendment would be required for implementation of this alternative.

The City Council finds this alternative infeasible for the following reasons. This alternative does not avoid any of the Project's significant unavoidable traffic or historical impacts. While the increased residential density provides greater opportunity for the City to attain its fair share housing and affordable housing objectives, the increased density provides a greater intensity of development on the Project site and in the area than the City Council feels is compatible with the Project objective of developing the site but maintaining the Downtown's small town character.

### **C. Statement of Overriding Considerations.**

Section 15093 of the State CEQA Guidelines specifies that where the decision of the public agency allows the occurrence of significant effects which are identified in the Final EIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The following significant unavoidable impacts were identified in the Final EIR for the Project.

Impact 4.7-1: Unacceptable Level of Service at Doherty Drive/Riviera Circle/Redwood High School Intersection (DEIR pp. 4.7-26, 27).

Impact 4.7-2: Unacceptable Level of Service at East Ward Street/Magnolia Avenue Intersection (DEIR p. 4.7-28)

Impact 4.7-3: Unacceptable Level of Service at King Street/Magnolia Avenue Intersection (DEIR p. 4.7-28).

Impact 4.7-8: Unacceptable Cumulative Level of Service at Doherty Drive/Riviera Circle/Redwood High School Intersection (DEIR pp. 4.7-39, 40).

Impact 4.7-9: Unacceptable Cumulative Level of Service at East Ward Street/Magnolia Avenue Intersection (DEIR p. 4.7-40)

Impact 4.7-10: Unacceptable Cumulative Level of Service at King Street/Magnolia Avenue (DEIR p. 4.7-40).

Impact 4.7-13, Unacceptable Cumulative Level of Service at Doherty Drive/Piper Park Intersection (DEIR p. 4.7-41).

Impact 4.11-2, Potential Damage to or Destruction of Archaeological Resources (DEIR p. 4.11-8, 12).

Impact 4.11-3, Alteration of or Other Effects on Historical Resources (DEIR pp. 4.11-8, 9, 12)

Impact 4.11-5, Possible Discovery of Human Remains (DEIR p. 4.11-10, 12).

The City Council carefully considered each of the above impacts in its decision to approve the Project and recognizes that implementation of the Project carries with it these significant unavoidable impacts. The City Council specifically finds that to the extent that the identified adverse or potentially adverse impacts for the Project have not been mitigated to acceptable levels, there are specific economic, social, environmental, land use, and other considerations that support approval of the project.

In making their decision to approve the Project, the City Council balanced social, environmental, land use and economic considerations against the potential significant environmental impacts of the Project. Based on this weighing of benefits against impacts, the City Council finds as follows.

The City Council finds that the Central Larkspur Specific Plan project attempts to guide and manage growth in a way that is more beneficial than the existing zoning for the Project area. The Project provides comprehensive policy direction and related standards to achieve an efficient, functional, attractive mixed-use neighborhood that not only takes advantage of its location within walking distance of the Downtown but also provides opportunities for land use transition to schools and residential neighborhoods bordering the site. The Project extends commercial development opportunities consistent with the existing Downtown Specific Plan, and provides pedestrian and bicycle connections to facilitate interaction between existing and proposed commercial uses and future residential uses. Through its commercial uses, the Project also increases the potential for employment opportunities for local residents. Construction during implementation of the Project will also provide opportunities for construction jobs.

The City Council further finds that the Central Larkspur Specific Plan project will provide attractive residential development that contributes to the City meeting its fair share of housing and affordable housing under the City's Housing Element.