

City of Larkspur

Notice of Mitigated Negative Declaration for the 285 Magnolia Avenue Mixed-Use Project

Date: December 2, 2013

Responsible Agency: City of Larkspur

Project Title: 285 Magnolia Avenue Mixed-Use Project

Project Address: 285 Magnolia Avenue, Larkspur, California 94939

This statement and attachments constitute the **Mitigated Negative Declaration** as proposed for adoption by the Larkspur Planning Commission for the 285 Magnolia Avenue Mixed-Use Project.

Proposed Project. Shawn Goldman (the project applicant) proposes to construct a commercial/residential mixed use project consisting of four separate buildings – two at the front of the site with ground floor commercial development and residential units (condominiums) above and two detached residential units (condominiums) located at the rear of the site. The project includes on-site parking and a new driveway access to Magnolia Avenue. New landscaping and sidewalks would be installed along the Magnolia Avenue frontage as well as in interior terraces on the site.

The project site is zoned Garden Downtown. To be consistent with City zoning requirements, the applicant requests approval of a Use Permit (Municipal Code 18.43.030), a Building Height Limit Exception (Municipal Code 18.43.050 A., a Circulation Access Permit (CAP) (Municipal Code 18.43.160 and 18.14.050 b.), Design Review Approval (Municipal Code 18.64.020 C.), Heritage Preservation Board approval (Municipal Code 18.19.040), Grading Permit (Municipal Code 15.20.100), a Hauling Dirt Permit (Municipal Code 15.24.040), and a Heritage Tree Removal Permit (Municipal Code 12.16.070).

Schedule. Constructing the project would take about fifteen months.

Environmental Study Prepared By: Leonard Charles and Associates.

Public Review. The Draft Mitigated Negative Declaration for the proposed project was circulated for public review beginning on December 6, 2013 and ending on January 3, 2014

Environmental Findings: An Initial Study has been prepared to assess the proposed project's potential effects on the environment and the significance of those effects; this Initial Study is attached to this Mitigated Negative Declarations. Based on the Initial Study, it has been determined that the proposed project would not have any significant effects on the environment, after mitigation. This conclusion is supported by the following findings:

- The proposed project would not impact agriculture and forestry resources, land use and planning, and mineral resources.
- The proposed project would have a less-than-significant effect on aesthetics, greenhouse gas emissions, hazards and hazardous materials, population and housing, noise, public services, recreation, and utilities and service systems.
- Mitigation is required to address impacts to air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, and transportation/traffic. A summary of the mitigation measures recommended in the Initial Study Checklist to minimize environmental impacts is presented below.

The following discusses the impacts that the Initial Study determined were potentially significant and lists the mitigations needed to reduce the impact to a level of non significance.

Air Quality

In order to reduce dust (PM10) emissions to less-than-significant amounts, the following mitigation measure shall be implemented.

Mitigation Measure AQ-1

In accordance with the BAAQMD CEQA Guidelines, the project shall implement the following standard actions (that are pertinent to this project) to control dust from escaping from the site:

1. If construction occurs during the dry season, water all exposed surfaces twice daily;
2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
4. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. Minimize idling time either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]);
6. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and
7. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance.

Biological Resources

To offset the loss of two Heritage Trees on the project site, the following mitigation measure is required:

Mitigation Measure BR-1

The Landscaping Plan shall be revised to replace two of the proposed non-native landscaping trees with at least two buckeyes (24-inch box size) or other native tree species acceptable to the City. Alternatively, if adequate area is not available on site for required tree planting, the applicant may opt to pay into a tree planting fund, managed by the City. The City uses these funds to plant trees in the parks or a right-of-way where appropriate area is available.

Cultural Resources

To ensure that any currently unidentified cultural resources and human remains are adequately protected, the following mitigation is required:

Mitigation Measure CR-1

If cultural resources are encountered during project construction, avoid altering the materials and their context until a cultural resources consultant has evaluated the situation. If applicable, a qualified archaeologist shall monitor subsequent excavations and spoils in the vicinity of the find for additional archaeological resources. If the archaeologist determines the discoveries are of importance, the resources shall be properly recovered and curated. The archaeologist shall prepare a summary outlining the methods followed and summarizing the results of the mitigation program. The report shall list and describe the resources recovered, map their exact locations and depths, and include other pertinent information. Identified cultural resources shall be recorded on DPR 523(A-J) historic recordation forms. The City shall submit the report to the Northwest Information Center and the California State Historic Preservation Officer. This condition shall be noted on all grading and construction plans and provided to all contractors and superintendents on the job site.

To ensure that any currently unidentified paleontological resources are adequately protected, the following mitigation is required:

Mitigation Measure CR-2

If paleontological resources are found, all work in the vicinity of the find must cease, and a paleontologist and City staff must be notified to develop proper mitigation measures required for the discovery. No earthwork in the vicinity of the find shall commence until a mitigation plan is approved and completed subject to the review and approval of the paleontologist and City staff. This condition shall be noted on all grading and construction plans and provided to all contractors and superintendents on the job site.

To ensure that any currently unidentified human remains on the site are adequately protected, the following mitigation is required:

Mitigation Measure CR-3

This mitigation incorporates the requirement established in Mitigation Measure CR-1 and adds the requirements that in the event that human remains are encountered, the contractor shall stop work in the area and the City shall contact the Marin County Coroner in accordance with Section 7050.5 of the State Health and Safety Code. This condition shall be noted on all grading and construction plans and provided to all contractors and superintendents on the job site.

Geology and Soils

To protect residents and structures from damage from strong ground shaking from earthquakes and from other site soil geologic and soil constraints, the following mitigation measure shall be implemented:

Mitigation Measure GS-1

The project shall be constructed to withstand the maximum probable earthquake and to withstand other geologic and soil constraints or hazards on the site. The project shall be constructed consistent with all recommendations for site grading, seismic design for structures, foundation design, retaining wall design, and site drainage contained on pages 6-13 of the Earth Mechanics Consulting Engineers, November 26, 2012 Geotechnical Investigation for the project. These geotechnical recommendations are standard for development in this area and do not contain unusual design requirements. In addition, as recommended by Herzog Geotechnical, the following additional mitigations are required:

1. Prior to issuance of building permits, Earth Mechanics Consulting Engineers or another qualified geotechnical expert shall review and approve the geotechnical aspects of the project plans (i.e. site grading, foundations, and drainage improvements, design parameters for foundations and retaining walls) to ensure conformance with their geotechnical recommendations. The results of the plan review shall be summarized by Earth Mechanics Consulting Engineers in a letter and submitted to the City for review and approval by City Staff.
2. Prior to final inspection, Earth Mechanics Consulting Engineers or another qualified geotechnical expert shall observe and test geotechnical aspects of the project construction. The inspections should include, but not be limited to, site preparation and grading, foundation excavation, and geotechnical drainage improvements. Upon completion, the results of the construction observation and testing shall be summarized in a letter which is submitted to the City Engineer prior to final project approval.

To ensure that substantial soil erosion does not occur during project grading and construction, the following mitigation measure shall be implemented:

Mitigation Measure GS-2

The project shall avoid causing soil erosion leading to sedimentation of storm channels leading to Larkspur Creek. Prior to grading, the applicant shall provide an erosion control plan as part of

its grading permit application, which will be approved by the City prior to the onset of site grading. The plan can use erosion-control BMPs shown in *Marin County Stormwater Pollution Prevention Program Minimum Erosion/Sediment Control Measures for Small Construction Projects*.

Hydrology and Water Quality

To ensure that the project does not adversely affect water quality in Larkspur Creek or Corte Madera Creek, the following mitigation measure shall be implemented:

Mitigation Measure H-1

As required by NPDS for Stormwater Treatment, the property owner is required to file a Certified Stormwater Treatment and Facilities Maintenance Program for all site drainage, retention facilities, etc. The Program shall be prepared by a registered engineer for review and approval by the Department of Public Works. Once approved, an agreement will be executed by property owner and City and recorded against the property to insure the ongoing operation of the Stormwater Treatment and Facilities Maintenance Program. The CC&Rs for this property will be amended to include the maintenance program in the maintenance and operation budget of the Home Owner's Association.

Transportation/Traffic

To ensure the recommended line of sight for southbound drivers on Magnolia Avenue, the following mitigation measure will be implemented:

Mitigation Measure T-1

The City Engineer will review the project to insure adequate line of sight is provided, taking into account the existing neighborhood development, traffic and roadway conditions. If the City finds the limited driveway sight lines to be a significant safety concern, then it could consider removing 1-2 additional parking spaces north of the project driveway.

Public Hearing: The proposed Mitigated Negative Declaration will be considered for adoption at a regularly scheduled meeting of the Larkspur Planning Commission at which time the Commission will obtain public comment on the Initial Study and proposed Mitigated Negative Declaration.

Sincerely,

Neal Toft, Planning Director, City of Larkspur