

Administration 415 927-5110  
Customer Service  
  
Fire 415 927-5007  
Public Works 415 927-5017  
  
Recreation 415 927-6746  
Library 415 927-5005



Planning 415 927-5038  
Building Permits  
  
Twin Cities Police 415 927-5150  
  
Fax 415 927-5022  
Web [www.ci.larkspur.ca.us](http://www.ci.larkspur.ca.us)

## CITY OF LARKSPUR

February 15, 2007

Mr. Michael Hooper  
Mr. Robert Upton  
Campus St. James Larkspur, LLC  
1348 Fourth Street  
San Rafael, CA 94901

RE: **Notice of Action**– SUB 06-63: Tentative Parcel Map for 2000 Larkspur  
Landing Circle

Dear Mr. Hooper and Mr. Upton:

At its regular meeting of February 13, 2007, the Planning Commission voted unanimously 4 ayes to adopt the findings listed in Attachment 1 to the February 13, 2007 Staff Report for application SUB 06-63, and approve the 2000 Larkspur Landing Tentative Parcel Map, subject to the conditions of approval listed in Attachment 2 to the February 13, 2007 Staff Report for SUB 06-63, as revised on February 13, 2007. A copy of the adopted conditions is attached.

This action becomes final ten (10) calendar days after the date of public hearing unless an appeal is filed with the City Council. Any aggrieved party may appeal this action within the ten (10) day period. Please note that the appeal period actually carries over to Monday, February 26, 2007 since City Hall offices are closed to the public on the tenth day.

If you have any questions, please contact me at (415) 927-5025.

Sincerely,

*Nancy Kaufman*

Nancy Kaufman  
Planning Director

Attachment

C: Hamid Shamsapour, Public Works Director  
Diane Henderson, Planning Consultant  
Dennis Rhinehart, Consulting Engineer

Approved by the Planning Commission on February 13, 2007  
(Includes February 13, 2007 revisions.)

ATTACHMENT 2

2000 LARKSPUR LANDING CIRCLE PROJECT  
SUB 06-63  
PLANNING COMMISSION OF THE CITY OF LARKSPUR  
CONDITIONS OF APPROVAL

1. **Conditions of Approval.** All conditions of approval must be printed on the cover sheet of the building permit plan set.
2. **Conformance with Approved Plans.** Construction shall be limited to, and in substantial conformance with the approved plans, entitled "Tentative Parcel Map 2000 Larkspur Landing", Sheets TM-1 Cover Sheet, TM-2 Tentative Parcel Map, TM-3 Sheet Index, TM-4 Grading and Drainage Plan, TM-5 Grading and Drainage Plan, TM-6 Grading and Drainage Plan, TM-7 Storm Drain and Utility Plan, TM-8 Heritage Tree Removal Plan & Park Dedication Area Survey, TM-9 Typical Roadway Sections, prepared by Land Development Solutions, Inc., and received on January 26, 2007 subject to revisions required in Condition #8.
3. **Fees.** Approval of application **SUB 06-63** shall not be considered valid until any and all outstanding application processing fees are paid in full to the City of Larkspur. This condition is not intended to extend or abrogate the time periods established under Section 18.76.070 of the Larkspur Municipal Code.
4. **Permit Expiration.** The approval of the Tentative Parcel Map will expire two (2) years from the effective date of this approval if a Final Map has not been filed for the Tentative Parcel Map and construction of the proposed alterations have not been undertaken by that date. Issuance of a grading permit and active construction will extend the life of planning permits for the length of time the permits are active. If no grading permit is issued or a permit is issued but expires for lack of construction, an extension may be applied for at the Customer Service counter before the planning permit's expiration date.
5. **Signatures on Plans.** A registered Architect or Engineer's stamp and signature must be placed on all plan pages of the permit plan sets submitted to the City, unless waived by the Building Official.
6. **Property Entry.** The Building Official and other City staff shall have the right to enter the property at all times during construction to inspect operating procedures, progress, compliance with permit and applicable codes.
7. **Encroachment Permits.** The applicant shall apply for an encroachment permit from the Director of Public Works for any work within the public right-of-way. An encroachment permit shall be obtained prior to any work within the public right-of-way.

Prior to submittal of a Final Map

8. **Revised Tentative Parcel Map Required before Final Map Approval.** A revised Tentative Parcel Map shall be submitted to the Planning Director and Public Works Director for review and approval prior to submittal of a Final Map. The revised Tentative Parcel Map shall include the following:

- Sheet TM-2: Attach a label to the isolated arrowhead on Parcel 4. Park Dedication Area shall be a minimum of 46,362 square feet.
- Sheet TM-5: Park Dedication Area shall be a minimum of 46,362 square feet.
- Sheet TM-6: Park Dedication Area shall be a minimum of 46,362 square feet.
- Sheet TM-7: The catch basins currently labeled as existing within Parcel 4 shall be appropriately labeled as proposed. Show the existing water main in Connector Road in accordance with approved MMWD plans. Park Dedication Area shall be a minimum of 46,362 square feet.
- Sheet TM-8: Park Dedication Area shall be a minimum of 46,362 square feet.
- Sheet TM-9: Expand the note added below the "Hotel Entry to Connector Road," to include the phrase "Cross slopes in planter areas shall not exceed 4%." The cross sections shall all be relabeled as "Public Access" rather than "Private Access."

Prior to Approval of a Final Parcel Map or Building Permit Approval

Note: Given the applicant's intent to file phased Final Parcel Maps, some conditions apply prior to approval of a Final Parcel Map regardless of the phase; other conditions, as stated, apply either prior to approval of a Final Parcel Map or prior to issuance of a building permit, whichever, occurs first.)

9. **On-site Detention.** Prior to approval of a Final Parcel Map, the applicant shall demonstrate the adequacy and/or need for onsite detention in regards to the impact on storm drain flows from the project, to the satisfaction of the Director of Public Works. These plans may be phased with phased Final Maps/Building Permits, if approved by the Director of Public Works.
10. **100-year Storm.** Prior to approval of a Final Parcel Map, the applicant shall address the impacts on adjacent property owners of the 100-year frequency storm, to the satisfaction of the Director of Public Works. These plans may be phased with phased Final Maps/Building Permits, if approved by the Director of Public Works.
11. **Settlement.** Prior to approval of a Final Parcel Map, the geotechnical engineer shall verify in writing, to the satisfaction of the Director of Public Works, that future settlement will not affect the design of the storm drain or gutter slopes specified on the grading plan.
12. **Dedications.**
- a. Prior to approval of a Final Parcel Map for Parcels 2, 3, or 4 or issuance of a building permit on any of these parcels, the applicant shall submit legal descriptions for

transfer and dedication of the park expansion parcel, and the East Sir Francis Drake Boulevard right-of-way, to be reviewed and approved by the Director of Public Works. 1.06 acres shall be dedicated to the City of Larkspur for park use as required by the Precise Development Plan approved by Ordinance 951 and as shown on Sheet A.1 Site Plan of the related project plans. This dedication shall be accepted by the City of Larkspur to fulfill the land dedication requirements section 17.13.040 of the City of Larkspur Park Dedication Ordinance for the development of the residential components of the 2000 Larkspur Landing Circle Planned Development District.

- b. Prior to approval of a Final Parcel Map for Parcels 2, 3, or 4 or issuance of a building permit on any of these parcels, the applicant shall submit legal descriptions for transfer and dedication of the East Sir Francis Drake Boulevard right-of-way, to be reviewed and approved by the Director of Public Works. This right-of-way shall be dedicated to the City of public access and roadway use.
  - c. The Spine Road and Link Road rights-of-way shall also be offered for dedication.
13. **Storm Drain System.** Prior to approval of a Final Parcel Map, the applicant's civil engineer shall submit plans for a storm drain system to address the need for positive relief for storm impacts at or above a 100-year frequency event, subject to the review and approval of the Director of Public Works. These plans may be phased with phased Final Maps/Building Permits, if approved by the Director of Public Works.
  14. **Drainage Improvements at Connector Road.** Prior to approval of a Final Parcel Map, the applicant shall submit a grading solution satisfactory to resolve the lack of drainage improvements available at the existing terminus of the Connector Road, subject to the review and approval of the Director of Public Works.
  15. **Tubb Lake Dam.** The applicant agrees to pay half the estimated cost to repair the Tubb Lake Dam or an alternative solution to mitigate the impacts of a Dam failure pursuant to the terms set forth in a separate agreement with the City of Larkspur. Prior to approval of a Final Parcel Map or an alternate time as determined by the Director of Public Works, the applicant shall submit a study and provisions to route stormwater from Tubb Lake in the event of a dam failure, subject to the review and approval of the Director of Public Works.
  16. **Subdivision Improvement Plan.** Prior to approval of a Final Parcel Map, the applicant shall submit, for review and approval, Subdivision Improvement Plans for improvements related to the Final Map (i.e., related to each phased Final Map, if phased), pursuant to and in conformance with the conditions of approval, for review and approval by the Director of Public Works or his designee and the Planning Director.
  17. **Subdivision Improvement Agreement.** Prior to recordation of a Final Parcel Map, the applicant shall enter into a Subdivision Improvement Agreement with the City to guarantee the construction and installation of public improvements within and outside the boundary of the map (the effected area) as necessary to support the lots created by the map and to comply with the conditions of approval of the Project Tentative Parcel Map. Performance of the subdivision agreements shall be guaranteed by securities as specified in Chapter 5 of

the Subdivision Map Act. The subdivision agreement shall be approved concurrently with the approval of a Final Parcel Map.

18. **Final Landscape and Irrigation Plans.** Prior to approval of a Final Parcel Map, a Final Landscape and Irrigation Plan shall be submitted for review and approval for Parcel One (i.e., the hotel parcel). The Landscape and Irrigation Plan shall show the location of the replacement trees required for mitigation consistent with Planning Application approvals for HT/Grad 06-05 and PREC/DR 06-30. The landscape plan shall incorporate use of fire-resistant and drought tolerant plantings and shall include landscaping for retaining walls and roads. Final landscape and irrigation plans shall be reviewed and approved by the MMWD in accordance with the most current MMWD landscape requirements prior to approval of the Final Map. The requirement for fire resistant and drought tolerant plantings shall also be made a requirement of the CC&R's (Conditions, Covenants, and Restrictions) for the development of the new residences.
19. **Conditions, Covenants & Restrictions (CC&Rs).** Prior to approval of a Final Parcel Map or issuance of a building permit for any parcel, whichever comes first, the applicant shall provide CC&Rs or deed restrictions, if appropriate, for affected parcel, describing the map's conditions of approval that will survive map recordation, to the Public Works Director, or his designee, Planning Director, and City Attorney for review and approval. These CC&Rs shall reflect on-going conditions of approval that shall be applied to subsequent development.
20. **Final Grading Plan.** Prior to approval of a Final Parcel Map, the applicant shall submit Final Grading Plans to the Director of Public Works for review and approval. The application shall reflect actual grading with cut and fill calculations for the project along with the detailed grading plan. The cut and fill calculations shall be verified by a geotechnical engineer prior to approval of a Grading Permit. Areas with a slope of 2:1 adjacent to a sidewalk must have a minimum 1' bench between the slope and the sidewalk.
21. **Fire Hydrants.** Prior to approval of a Final Parcel Map or issuance of a building permit for any parcel, whichever comes first, installation plans for the affected fire hydrants shall be submitted for review and approval along with evidence that they have been reviewed and approved by the Marin Municipal Water District. Street fire hydrants are required to be installed and maintained in accordance with the Larkspur Fire Department and the Marin Municipal Water District specifications. The maintenance requirements shall be included as part of CC&Rs for the residential subdivision and recorded with the deed for the hotel.
22. **Public Access and Public Utility Easement.** Prior to recordation of a Final Parcel Map, the applicant shall submit a recorded copy of the Public Access and Public Utility Easement through the Sanitary District property connecting Parcel 1 PAE & PUE with the PAE & PUE in the Link Road on Parcels 3 and 4.
23. **Access Easement.** Prior to recordation of a Final Parcel Map or issuance of a building permit, whichever comes first for the residential parcel, the applicant shall submit a

recorded copy of the Access Easement in favor of the Sanitary District for access to the sewer pump station

24. **Sidewalks within Parcel 4.** Except as specifically approved by the City, sidewalks within Parcel 4 shall not encroach on the park area.
25. **Public Access Easement and Pedestrian Paths to Miwok Park.** The applicant shall dedicate an Easement for Public Access on the Final Parcel Map (or by separate document) or prior to issuance of a building permit on Parcels 2, 3, or 4, whichever comes first, to guarantee public access to Miwok Park through Parcel 4 from the Link Road. Pedestrian paths shall be provided to the existing boundary of Miwok Park and the Miwok Park access easement on the EAH property to the north (APN 18-191-19). Design of the pedestrian paths shall be subject to review and approval of the Director of Public Works and Director of Parks and Recreation.
26. **Maintenance Access Easement to Miwok Park.** The applicant shall dedicate a minimum 12-foot wide Floating Easement for Maintenance Access on the Final Parcel Map (or by separate document) or prior to issuance of a building permit on Parcels 2, 3, or 4, whichever comes first, to guarantee maintenance vehicle access to Miwok Park Dedication Area through Parcel 4.
27. **Retaining Wall Location and Maintenance Easement for Wall.** A retaining wall on Parcel 1 is encroaching into the Sanitary District's easement by one (1) foot and shall be redesigned to provide a 20-foot clearance. This change shall be shown on the Subdivision Improvements Plans for Parcel 1 and approved by the Ross Valley Sanitary District prior to recordation of the Final Parcel Map. [Note: The applicant submitted a letter dated February 1, 2007 from the Ross Valley Sanitary District stating that they have reviewed and approved the submitted Tentative Parcel Map plans]. Also, prior to recordation of a Final Parcel Map, the applicant shall submit a recorded copy of a Maintenance Easement for the wall along the Hotel/Sanitary District common property line.
28. **Utility Connections.** The applicant shall be required to apply for, provide and install all utility connections to existing systems as may be required by the serving utility companies to provide service to this project and "will serve" letters shall be submitted to the City.
29. **Public Sewer.** The proposed application will require a public sewer extension. An application for the public sewer extension must be filed and approved by the Sanitary District. Performance and maintenance bonds and an inspection fee are required by the Ross Valley Sanitary District for construction of the sewer extension to serve the development. All work shall be inspected prior to backfilling and constructed in accordance with Sanitary District specifications. Connections to the public sewer will require obtaining a sewer connection permit from the Sanitary District and the side sewers must be installed in accordance with the District's specifications.
30. **Bus Stop.** Prior to recordation of a Final Parcel Map, the applicant shall work with the City and Marin County Transit District to determine the appropriate location for a bus stop(s) on

East Sir Francis Drake Avenue. The applicant shall include the bus stop(s) on the improvement plans submitted with the Final Parcel Map.

31. **Crosswalk.** Prior to recordation of a Final Parcel Map, improvement plans shall include a pedestrian crosswalk on Larkspur Landing Circle East at the project entrance. The location of the sidewalk shall be approved by the Director of Public Works.
32. **Updated Title Report.** Prior to recordation of a Final Parcel Map, the applicant shall submit an up-to-date Title Report.
33. **Street Names.** All street names shall be approved by the Planning Director, Fire Chief and Director of Public Works prior to recordation of a Final Parcel Map.
34. **ADA Requirements.** All improvements, including access to and through the site, shall conform to the standards and requirements of the Americans with Disabilities Act (ADA) and be approved by the City's Building Inspector.
35. **Connector Road.** Prior to recordation of a Final Parcel Map or prior to issuance of a building permit on Parcels 2, 3, or 4, whichever comes first, improvement plans shall incorporate safety features, such as stop signs, warning lights, low vegetation, etc., recommended by the Director of Public Works, into the roadway design at the garage entry to Building 9 (Parkside).
36. **Precise Development Plan for Hotel.** Prior to approval of a Final Parcel Map for Parcel 1, the applicant must apply for and receive approval of a Precise Development Plan for the hotel.

Prior to Issuance of a Grading or Building Permit

37. **Final Map.** A Final Parcel Map shall be submitted and approved prior to the issuance of a final grading or building permit.
38. **Site Plan Submittal.** At the grading and building permit stages, the site plan submittal shall comply with the "Engineered Site Plan Checklist," and the "Driveway Criteria" on a "Site, Grading and Drainage Plan," prepared by a registered civil engineer of this State and in conformance with the recommendations of the geotechnical report. Topographic elevation heights for top and bottom of all retaining walls shall be included on the plan.
39. **Permits Required by other Agencies.** The applicant/property owner is hereby informed that permits may be required by one or more of the following: Army Corps of Engineers, Marin Municipal Water District, Regional Water Quality Control Board, Ross Valley Sanitary District, and State Water Resources Control Board. If the project is within jurisdiction of any of these agencies, verification of permit or waiver of permit must be given to the Public Works Department prior to issuance of any required City permits. If the City is required to be a party to the permit application and a fee is required, the owner shall reimburse the City for its cost.

40. **Preliminary and Precise Development Plan Approvals.** All conditions included in the approval of the Preliminary Development Plan (Ordinance No. 948) for 2000 Larkspur Landing Circle as they relate to the Parcel 1 (i.e., the hotel site) and Precise Development Plan and Design Review Approval (Ordinance No. 951) for the Residential Component of 2000 Larkspur Landing Circle shall be met and are incorporated herein by this reference (including, but not limited to, conditions relating to below market units, acoustical and noise mitigation, fireplaces, solar technology, utilities, biological and landscaping, hazards, transportation, aesthetics, air quality, cultural resources, geology, Stormwater Pollution Prevention Plans, and Stormwater Management Plans).
41. **Heritage Trees.** The applicant's consulting licensed arborist shall provide a written statement that the sidewalk adjacent to Building 9 will not impact the surrounding trees.

In addition, construction activities shall be limited within the Tree Protection Zone as follows:

- No equipment, storage, dumping, grading, or excavation shall be permitted within the designated Tree Protection Zone without the prior written consent of the consulting licensed arborist or the City of Larkspur; and
- If excavation must occur within the Tree Protection Zone, the consulting licensed arborist shall determine where tunneling, hand work, and root pruning is required (root pruning should occur prior to grading activity). Any work within the Tree Protection Zone shall be monitored by the consulting licensed arborist.

A bond shall be posted by the developer, in a form approved by the City Attorney, to insure the health and maintenance of the affected trees for a period of three years.

42. **Mitigation Trees and Landscaping.** Mitigation trees and landscaping shall be installed and maintained consistent with Planning Commission's June 13, 2006 approval of Grad/HTR 06-05.
43. **Geotechnical Study.** Relevant provisions of the geotechnical study shall be incorporated into project grading and site preparation plans. Prior to the issuance of building permits, the project geotechnical engineer shall review and approve all geotechnical aspects of the project plans (i.e., site grading and drainage improvements, and design parameters for foundations, shoring, and retaining walls) to ensure conformance with the independent geotechnical recommendations. The results of the plan review shall be summarized by the project geotechnical engineer in a letter and submitted to the City for review and approval by the City Engineer.

During construction of the roadways and buildings, the project geotechnical engineer and engineering geologist shall observe and test geotechnical aspects of the project construction on-site. The inspections should include, but not be limited to, the stability and bedrock characteristics of the proposed grading, site preparation, subgrade and aggregate baserock compaction, wall backfill compaction, foundation excavation, tieback drilling and testing, and geotechnical drainage improvements. Upon completion, the results of the construction

observation and testing shall be summarized in a letter submitted to the City Engineer prior to paving and building permit approval. Implementation of these measures shall meet the satisfaction of the independent geotechnical engineer, engineering geologist, and the City Engineer.

44. **Utility and Roadway Improvements.** The utility and roadway improvements shall be completed to the satisfaction of the Public Works Director.
45. **Drainage Plan.** Prior to issuance of a grading or building permit, the final drainage plan shall be designed to the satisfaction of the City Engineer and the Department of Public Works. These plans may be phased with phased Final Maps/Building Permits, if approved by the Director of Public Works.
46. **Sanitary Lines.** Work involving sanitary line connections or modifications must get approval of Sanitary District No. 1 after building department sign-off.
47. **Park and Recreation Fees.** Prior to issuance of a building permit, the developer shall pay Park and Recreation In-Lieu fees and Park Improvement Fees as required by LMC Chapter 17.13
48. **Traffic Impact Fees.** Prior to issuance of a building permit, traffic impacts fees shall be paid pursuant to LMC Section 18.15.070. Payment of traffic impact fees is based on the generation of 41 p.m. peak hour trips for hotel use and 69 p.m. peak hour trips for the residential development.

#### Other

49. **Indemnification.** The applicant agrees to defend, indemnify, and hold harmless the City of Larkspur, its agents, officers, council members, employees, boards, commissions and Council from any and all claims, actions or proceedings brought against any of the foregoing individuals or entities, seeking to attack, set aside, void or annul any approval of the application or related decision, or the processing or adoption of any environmental documents or negative declaration which relates to the approval. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision, whether or not there is concurrent, passive or active negligence on the part of the City, its agents, officers, council members, employees, boards, commissions and Council. If for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

The City of Larkspur shall have the right to appear and defend its interest in any action through its City Attorney or other counsel. The applicant shall not be required to reimburse the City for attorneys' fees incurred by the City Attorney or the City's other counsel if the City chooses to appear and defend itself in the litigation.

ATTACHMENT 2

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PLANNING COMMISSION OF THE CITY OF LARKSPUR  
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Note: Given the applicant's intent to file phased Final Parcel Maps, some conditions apply prior to approval of a Final Parcel Map regardless of the phase; other conditions, as stated, apply either prior to approval of a Final Parcel Map or prior to issuance of a building permit, whichever, occurs first.)

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12. **Dedications.**
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transfer and dedication of the park expansion parcel, and the East Sir Francis Drake Boulevard right-of-way, to be reviewed and approved by the Director of Public Works. 1.06 acres shall be dedicated to the City of Larkspur for park use as required by the Precise Development Plan approved by Ordinance 951 and as shown on Sheet A.1 Site Plan of the related project plans. This dedication shall be accepted by the City of Larkspur to fulfill the land dedication requirements section 17.13.040 of the City of Larkspur Park Dedication Ordinance for the development of the residential components of the 2000 Larkspur Landing Circle Planned Development District.

- b. Prior to approval of a Final Parcel Map for Parcels 2, 3, or 4 or issuance of a building permit on any of these parcels, the applicant shall submit legal descriptions for transfer and dedication of the East Sir Francis Drake Boulevard right-of-way, to be reviewed and approved by the Director of Public Works. This right-of-way shall be dedicated to the City of public access and roadway use.
  - c. The Spine Road and Link Road rights-of-way shall also be offered for dedication.
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17. **Subdivision Improvement Agreement.** Prior to recordation of a Final Parcel Map, the applicant shall enter into a Subdivision Improvement Agreement with the City to guarantee the construction and installation of public improvements within and outside the boundary of the map (the effected area) as necessary to support the lots created by the map and to comply with the conditions of approval of the Project Tentative Parcel Map. Performance of the subdivision agreements shall be guaranteed by securities as specified in Chapter 5 of

the Subdivision Map Act. The subdivision agreement shall be approved concurrently with the approval of a Final Parcel Map.

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19. **Conditions, Covenants & Restrictions (CC&Rs).** Prior to approval of a Final Parcel Map or issuance of a building permit for any parcel, whichever comes first, the applicant shall provide CC&Rs or deed restrictions, if appropriate, for affected parcel, describing the map's conditions of approval that will survive map recordation, to the Public Works Director, or his designee, Planning Director, and City Attorney for review and approval. These CC&Rs shall reflect on-going conditions of approval that shall be applied to subsequent development.
20. **Final Grading Plan.** Prior to approval of a Final Parcel Map, the applicant shall submit Final Grading Plans to the Director of Public Works for review and approval. The application shall reflect actual grading with cut and fill calculations for the project along with the detailed grading plan. The cut and fill calculations shall be verified by a geotechnical engineer prior to approval of a Grading Permit. Areas with a slope of 2:1 adjacent to a sidewalk must have a minimum 1' bench between the slope and the sidewalk.
21. **Fire Hydrants.** Prior to approval of a Final Parcel Map or issuance of a building permit for any parcel, whichever comes first, installation plans for the affected fire hydrants shall be submitted for review and approval along with evidence that they have been reviewed and approved by the Marin Municipal Water District. Street fire hydrants are required to be installed and maintained in accordance with the Larkspur Fire Department and the Marin Municipal Water District specifications. The maintenance requirements shall be included as part of CC&Rs for the residential subdivision and recorded with the deed for the hotel.
22. **Public Access and Public Utility Easement.** Prior to recordation of a Final Parcel Map, the applicant shall submit a recorded copy of the Public Access and Public Utility Easement through the Sanitary District property connecting Parcel 1 PAE & PUE with the PAE & PUE in the Link Road on Parcels 3 and 4.
23. **Access Easement.** Prior to recordation of a Final Parcel Map or issuance of a building permit, whichever comes first for the residential parcel, the applicant shall submit a

recorded copy of the Access Easement in favor of the Sanitary District for access to the sewer pump station

24. **Sidewalks within Parcel 4.** Except as specifically approved by the City, sidewalks within Parcel 4 shall not encroach on the park area.
25. **Public Access Easement and Pedestrian Paths to Miwok Park.** The applicant shall dedicate an Easement for Public Access on the Final Parcel Map (or by separate document) or prior to issuance of a building permit on Parcels 2, 3, or 4, whichever comes first, to guarantee public access to Miwok Park through Parcel 4 from the Link Road. Pedestrian paths shall be provided to the existing boundary of Miwok Park and the Miwok Park access easement on the EAH property to the north (APN 18-191-19). Design of the pedestrian paths shall be subject to review and approval of the Director of Public Works and Director of Parks and Recreation.
26. **Maintenance Access Easement to Miwok Park.** The applicant shall dedicate a minimum 12-foot wide Floating Easement for Maintenance Access on the Final Parcel Map (or by separate document) or prior to issuance of a building permit on Parcels 2, 3, or 4, whichever comes first, to guarantee maintenance vehicle access to Miwok Park Dedication Area through Parcel 4.
27. **Retaining Wall Location and Maintenance Easement for Wall.** ~~As shown, the~~ retaining wall on ~~the north side of~~ Parcel 1 is encroaching into the Sanitary District's easement by one (1) foot and shall be redesigned to provide a 20-foot clearance. This change shall be shown on the Subdivision Improvements Plans for Parcel 1 and approved by the Ross Valley Sanitary District prior to recordation of the Final Parcel Map. [Note: The applicant submitted a letter dated February 1, 2007 from the Ross Valley Sanitary District stating that they have reviewed and approved the submitted Tentative Parcel Map plans]. Also, prior to recordation of a Final Parcel Map, the applicant shall submit a recorded copy of a Maintenance Easement for the wall along the Hotel/Sanitary District common property line.
28. **Utility Connections.** The applicant shall be required to apply for, provide and install all utility connections to existing systems as may be required by the serving utility companies to provide service to this project and "will serve" letters shall be submitted to the City.
29. **Public Sewer.** The proposed application will require a public sewer extension. An application for the public sewer extension must be filed and approved by the Sanitary District. Performance and maintenance bonds and an inspection fee are required by the Ross Valley Sanitary District for construction of the sewer extension to serve the development. All work shall be inspected prior to backfilling and constructed in accordance with Sanitary District specifications. Connections to the public sewer will require obtaining a sewer connection permit from the Sanitary District and the side sewers must be installed in accordance with the District's specifications.
30. **Bus Stop.** Prior to recordation of a Final Parcel Map, the applicant shall work with the City and Marin County Transit District to determine the appropriate location for a bus

stop(s) on East Sir Francis Drake Avenue. The applicant shall include the bus stop(s) on the improvement plans submitted with the Final Parcel Map.

31. **Crosswalk.** Prior to recordation of a Final Parcel Map, improvement plans shall include a pedestrian crosswalk on Larkspur Landing Circle East at the project entrance. The location of the sidewalk shall be approved by the Director of Public Works.
32. **Updated Title Report.** Prior to recordation of a Final Parcel Map, the applicant shall submit an up-to-date Title Report.
33. **Street Names.** All street names shall be approved by the Planning Director, Fire Chief and Director of Public Works prior to recordation of a Final Parcel Map.
34. **ADA Requirements.** All improvements, including access to and through the site, shall conform to the standards and requirements of the Americans with Disabilities Act (ADA) and be approved by the City's Building Inspector.
35. **Connector Road.** Prior to recordation of a Final Parcel Map or prior to issuance of a building permit on Parcels 2, 3, or 4, whichever comes first, improvement plans shall incorporate safety features, such as stop signs, warning lights, low vegetation, etc., recommended by the Director of Public Works, into the roadway design at the garage entry to Building 9 (Parkside).
36. **Precise Development Plan for Hotel.** Prior to approval of a Final Parcel Map for Parcel 1, the applicant must apply for and receive approval of a Precise Development Plan for the hotel.

Prior to Issuance of a Grading or Building Permit

37. **Final Map.** A Final Parcel Map shall be submitted and approved prior to the issuance of a final grading or building permit.
38. **Site Plan Submittal.** At the grading and building permit stages, the site plan submittal shall comply with the "Engineered Site Plan Checklist," and the "Driveway Criteria" on a "Site, Grading and Drainage Plan," prepared by a registered civil engineer of this State and in conformance with the recommendations of the geotechnical report. Topographic elevation heights for top and bottom of all retaining walls shall be included on the plan.
39. **Permits Required by other Agencies.** The applicant/property owner is hereby informed that permits may be required by one or more of the following: Army Corps of Engineers, Marin Municipal Water District, Regional Water Quality Control Board, Ross Valley Sanitary District, and State Water Resources Control Board. If the project is within jurisdiction of any of these agencies, verification of permit or waiver of permit must be given to the Public Works Department prior to issuance of any required City permits. If the City is required to be a party to the permit application and a fee is required, the owner shall reimburse the City for its cost.

40. **Preliminary and Precise Development Plan Approvals.** All conditions included in the approval of the Preliminary Development Plan (Ordinance No. 948) for 2000 Larkspur Landing Circle as they relate to the Parcel 1 (i.e., the hotel site) and Precise Development Plan and Design Review Approval (Ordinance No. 951) for the Residential Component of 2000 Larkspur Landing Circle shall be met and are incorporated herein by this reference (including, but not limited to, conditions relating to below market units, acoustical and noise mitigation, fireplaces, solar technology, utilities, biological and landscaping, hazards, transportation, aesthetics, air quality, cultural resources, geology, Stormwater Pollution Prevention Plans, and Stormwater Management Plans).

41. **Heritage Trees.** The applicant's consulting licensed arborist shall provide a written statement that the sidewalk adjacent to Building 9 will not impact the surrounding trees.

In addition, construction activities shall be limited within the Tree Protection Zone as follows:

- No equipment, storage, dumping, grading, or excavation shall be permitted within the designated Tree Protection Zone without the prior written consent of the consulting licensed arborist or the City of Larkspur; and
- If excavation must occur within the Tree Protection Zone, the consulting licensed arborist shall determine where tunneling, hand work, and root pruning is required (root pruning should occur prior to grading activity). Any work within the Tree Protection Zone shall be monitored by the consulting licensed arborist.

A bond shall be posted by the developer, in a form approved by the City Attorney, to insure the health and maintenance of the affected trees for a period of three years.

42. **Mitigation Trees and Landscaping.** Mitigation trees and landscaping shall be installed and maintained consistent with Planning Commission's June 13, 2006 approval of Grad/HTR 06-05.

43. **Geotechnical Study.** Relevant provisions of the geotechnical study shall be incorporated into project grading and site preparation plans. Prior to the issuance of building permits, the project geotechnical engineer shall review and approve all geotechnical aspects of the project plans (i.e., site grading and drainage improvements, and design parameters for foundations, shoring, and retaining walls) to ensure conformance with the independent geotechnical recommendations. The results of the plan review shall be summarized by the project geotechnical engineer in a letter and submitted to the City for review and approval by the City Engineer.

During construction of the roadways and buildings, the project geotechnical engineer and engineering geologist shall observe and test geotechnical aspects of the project construction on-site. The inspections should include, but not be limited to, the stability and bedrock characteristics of the proposed grading, site preparation, subgrade and aggregate baserock compaction, wall backfill compaction, foundation excavation, tieback drilling and testing, and geotechnical drainage improvements. Upon completion, the results of the construction

observation and testing shall be summarized in a letter submitted to the City Engineer prior to paving and building permit approval. Implementation of these measures shall meet the satisfaction of the independent geotechnical engineer, engineering geologist, and the City Engineer.

44. **Utility and Roadway Improvements.** The utility and roadway improvements shall be completed to the satisfaction of the Public Works Director.
45. **Drainage Plan.** Prior to issuance of a grading or building permit, the final drainage plan shall be designed to the satisfaction of the City Engineer and the Department of Public Works. These plans may be phased with phased Final Maps/Building Permits, if approved by the Director of Public Works.
46. **Sanitary Lines.** Work involving sanitary line connections or modifications must get approval of Sanitary District No. 1 after building department sign-off.
47. **Park and Recreation Fees.** Prior to issuance of a building permit, the developer shall pay Park and Recreation In-Lieu fees and Park Improvement Fees as required by LMC Chapter 17.13
48. **Traffic Impact Fees.** Prior to issuance of a building permit, traffic impacts fees shall be paid pursuant to LMC Section 18.15.070. Payment of traffic impact fees is based on the generation of 41 p.m. peak hour trips for hotel use and 69 p.m. peak hour trips for the residential development.

Other

49. **Indemnification.** The applicant agrees to defend, indemnify, and hold harmless the City of Larkspur, its agents, officers, council members, employees, boards, commissions and Council from any and all claims, actions or proceedings brought against any of the foregoing individuals or entities, seeking to attack, set aside, void or annul any approval of the application or related decision, or the processing or adoption of any environmental documents or negative declaration which relates to the approval. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision, whether or not there is concurrent, passive or active negligence on the part of the City, its agents, officers, council members, employees, boards, commissions and Council. If for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

The City of Larkspur shall have the right to appear and defend its interest in any action through its City Attorney or other counsel. The applicant shall not be required to reimburse the City for attorneys' fees incurred by the City Attorney or the City's other counsel if the City chooses to appear and defend itself in the litigation.