

**CITY OF LARKSPUR
RESOLUTION NO. 14/04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LARKSPUR
APPROVING AN AMENDMENT TO THE LAND USE ELEMENT
OF THE LARKSPUR GENERAL PLAN REGARDING MAXIMUM
FLOOR AREA RATIOS**

- WHEREAS, on October 20, 1982 the City Council adopted Ordinance No. 687 establishing floor area ratios for residential lots and exception procedures thereto; and
- WHEREAS, on December 19, 1990 the City Council approved Resolution No.75/90 approving an update of the City's General Plan; and
- WHEREAS, the 1990 Larkspur General Plan establishes maximum floor area ratios for the residential land use categories but does not provide for exceptions to those maximums, though Land Use Element Goal 4 acknowledges the Planning Commission's review of floor area exceptions; and
- WHEREAS, the State General Plan Guidelines of 2003 explain the requirements of the land use element relative to building intensity and state, "Maximum dwelling units per acre is a good residential standards. Floor area ratio (the ratio of building floor area to the total site area) is a useful measure of commercial and industrial intensity."; and
- WHEREAS, the 1990 Larkspur General Plan includes standards of dwelling units per acre for each residential land use category; and
- WHEREAS, the City of Larkspur Zoning Ordinance contains floor area ratio standards and associated exception procedures for its different residential zoning districts and those ratios and procedures have been in place since 1982.
- WHEREAS, an amendment to the Land Use Element of the General Plan is necessary to bring consistency between the residential land use designations and Land Use Element Goal 4, and consistency between the General Plan and Zoning Ordinance.
- WHEREAS, at the April 13, 2004 Planning Commission meeting, upon hearing and considering all oral and written testimony and arguments of all persons desiring to be heard, the Commission considered all the facts relating to the General Plan Amendment described herein and recommended approval of the proposed General Plan Amendment.
- WHEREAS, the City Council of the City of Larkspur has reviewed and considered all oral and written comments raised during the public hearings and the information contained in the related staff report for the proposed General Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF LARKSPUR DOES RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the above recitations are true and correct.

Section 2. Findings. The City Council, in approving the proposed General Plan Amendment, makes the following findings, to wit:

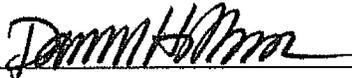
- a. By resolving a conflict between the General Plan and the Zoning Ordinance and recognizing the City's current and past practice, the proposed General Plan Amendment is deemed to be in the public interest.
- b. The proposed General Plan Amendment does not change any of the goals, or programs of the General Plan, but simply eliminates the maximum residential floor area ratio provisions which are not required as part of a General Plan document and are addressed in the City's Zoning Ordinance. The proposed General Plan Amendment, therefore, is consistent and compatible with the rest of the General Plan and no implementation programs are affected.
- c. The proposed General Plan Amendment recognizes and does not change the City's current and past practice relative to regulating residential floor area ratios; therefore, its potential impacts have been determined not to be detrimental to the public health, safety, or welfare.
- d. The proposed General Plan Amendment has been considered during duly noticed public hearings to receive and consider public testimony regarding the proposed General Plan Amendment and has been processed in accordance with the applicable provisions of the California Government Code.
- e. The proposed General Plan Amendment has been processed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City Council declares that this General Plan Amendment is exempt from CEQA, per Section 15061(b)(3). This Amendment is exempted by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This Amendment is composed of provisions that only clarify the General Plan relative to existing zoning regulations and practices. It also establishes greater internal consistency in the General Plan and consistency between the General Plan and the City's Zoning Ordinance. No changes in land use designations or development densities or intensities are proposed. Therefore, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment, and therefore, this ordinance is not a project subject to CEQA.

Section 3. General Plan Amendment. The City Council does hereby approve the following amendment to the Larkspur General Plan:

On page 18 of the Land Use Element of the 1990 Larkspur General Plan, the last sentence in each of the descriptions for the Low Density, Medium Density, and High Density residential land use categories that refers to maximum floor area ratio (FAR) is hereby deleted.

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 19th day of May, 2004 by the following vote, to wit:

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


MAYOR

ATTEST:


CITY CLERK