

CITY OF LARKSPUR

RESOLUTION NO. 41/04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LARKSPUR
ADOPTING AMENDMENTS TO THE LARKSPUR GENERAL PLAN LAND
USE, CIRCULATION, AND COMMUNITY FACILITIES AND SERVICES
ELEMENTS AND ADOPTING AN UPDATED HOUSING ELEMENT**

WHEREAS, on December 19, 1990 the City Council approved Resolution No.75/90 approving an update of the City's General Plan; and

WHEREAS, on December 19, 1990 the City Council approved Resolution No. 79/90 adopting the City of Larkspur General Plan Housing Element; and

WHEREAS, the City of Larkspur participated in a process jointly sponsored by all of the local Marin County government jurisdictions to develop "best practices" and, where possible, common strategies to address housing needs; and

WHEREAS, the City of Larkspur built upon the jointly sponsored efforts and public participation and held numerous public workshops to seek local input and comment on the proposed housing strategy options, including a Joint City Council/Planning Commission work session to review the results of the workshops; and

WHEREAS, amendments to the Land Use, Circulation, and Community Facilities and Services Elements of the Larkspur General Plan are necessary to bring consistency between the updated Housing Element and the General Plan; and

WHEREAS, at the September 21, 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 Amendments; and

WHEREAS, on October 20, 2004, the City Council of the City of Larkspur reviewed and considered all oral and written comments raised during the public hearing and the information contained in the related staff report for the proposed General Plan Amendments.

**NOW, THEREFORE, 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 Amendments, makes the following findings, to wit:

- a. By resolving potential conflicts between the General Plan and the Zoning Ordinance, the proposed General Plan Amendments are deemed to be in the public interest.
- b. The proposed General Plan Amendments update the City's Housing Element's goals, policies and programs bringing it into conformance with State Housing Law. The associated amendments to the Land Use, Circulation, and Community Facilities and Services Elements are to maintain internal consistency within the Larkspur General Plan. The proposed General Plan Amendments, therefore, are consistent and compatible with the rest of the General Plan.
- c. The proposed General Plan Amendments are intended to bring the City's Housing Element and related elements into conformance with State Housing Law and to provide objectives and programs for meeting the City's Regional Housing Need as determined by the Association of Bay Area Governments. Therefore, the amendments have been determined not to be detrimental to the public health, safety, or welfare.
- d. The proposed General Plan Amendments have been considered during duly noticed public hearings to receive and consider public testimony regarding the proposed General Plan Amendments and have been processed in accordance with the applicable provisions of the California Government Code.

Section 3. Environmental Clearance. The proposed General Plan Amendments have been determined to be discretionary in nature and are not otherwise exempt from the requirements of the California Environmental Quality Act (CEQA). The Amendments have been processed in accordance with the CEQA Guidelines and an Initial Study was prepared for the Amendments. The Initial Study indicates that the Amendments will not have a significant effect on the environment, and accordingly a Negative Declaration, therefore, is hereby adopted.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Larkspur adopts an updated Housing Element, as shown in Exhibit A, Draft Housing Element, dated July 2004, with the revisions listed below, to replace the City of Larkspur General Plan Housing Element dated December 19, 1990.

1. Page ii:
 - a. Bullet #4, replace "prohibit" with "discourage."
 - b. Bullet #10, delete entire action.

2. Pages 40 and 69, Sanitary District Property: Change Area Size to 10.67 acres. The 9.9 acre number is incorrect. Also, on page 69, add a notation that the applicant's are applying for 126 dwelling units on 7.65 acres.
3. Page 53, Building Codes and Enforcement, add the following to first paragraph under Building Codes and Enforcement:
"The City also uses the State Historic Building Code, as may be appropriate, to facilitate the preservation, rehabilitation, and restoration of historic structures."
4. Page 63, Policy 14.2, Condominium Conversions, revise to read as follows:
"Prohibit conversion of existing multifamily rental units to market rate condominium units unless the City's rental vacancy rate is above 5.0 percent, as determined by the State of California Finance Department annual Population Estimates. Exceptions include limited equity cooperatives, co-housing and other innovative housing proposals that are affordable to low- and moderate-income households."
5. Page 67, Program H6.E, Implement Mixed Use Development Opportunities, revise item (2) to add a reference to commercial districts, it should read as follows:
"(2) zoning text amendment to allow live/work units in the commercial and industrial districts."

BE IT FURTHER RESOLVED that the City Council of the City of Larkspur adopts amendments to the Land Use, Circulation, and Community Facilities and Services Elements of the Larkspur General Plan 1990-2010 as follows (for revisions to sentences, deleted text is indicated by strikeout and added text is indicated by underlining):

1. Page 11, Introduction, **Figure 1-2: Relation of General Plan Chapters to State-Mandated Elements**. Figure is revised to reflect the Chapters and Page numbers of the updated Housing Element, dated July 2004.
2. Page 17, Land Use Element, **LAND USE CATEGORIES**. Insert the following sentence between the fifth and sixth sentences: "Second units permitted by local regulation and State-mandated density bonuses for the provision of affordable housing are in addition to densities otherwise permitted in each of the residential land use classifications."
3. Page 18, Land Use Element, **LAND USE CATEGORIES, Low Density**. Second sentence relative to approvals of second units, replace "a use permit" with "zoning clearance."
4. Page 18, Land Use Element, **LAND USE CATEGORIES, Low Density**. Replace fourth, fifth and sixth sentences with the following: "The lowest minimum lot size is 7,500 square feet on parcels that are flat or on slopes up to 10 percent and may increase up to 43,560 square feet (1 acre) for slopes ranging from 10 to 25%. (Some lots predate zoning restrictions and do not meet these requirements, but they are legal building sites.)"

5. Page 19, **Land Use Element, LAND USE CATEGORIES, Restricted Commercial, Commercial, and Downtown land use categories.** Delete the following sentence from each land use category: "Second-story housing is encouraged." Add the following sentence to each land use category: "Second-story residential units over first story commercial uses are encouraged and exempt from floor area ratio restrictions, except as may otherwise be stated in a specific plan or planned development plan. Senior housing is preferred. Second-story residential density shall be limited by parking and height restrictions and mixed use (i.e., commercial/residential) housing shall not exceed 21 residential units per acre."

6. Page 20, **Land Use Element, LAND USE CATEGORIES, Industrial, Restricted Commercial, and Commercial.** Add the following sentence before the last sentence: "Live/work units may be conditionally permitted."

7. Page 21, **Land Use Element, LARKSPUR'S RESIDENTIAL NEIGHBORHOODS, Multiple-Family.** Delete the second phrase of the fourth sentence regarding precluding increases in the percentage of multi-family.

8. Page 27, **Land Use Element, OPEN SPACE AREAS, College of Marin.** Add the following sentence to the end of the paragraph: "The 25.7 acres should be investigated further to determine if housing, primarily affordable housing to serve the interests of the College (e.g., teachers and students), could be built on a portion of the site."

9. Page 28, **Land Use Element, GOALS, POLICIES, AND PROGRAMS, Neighborhoods.** Delete the first sentence of the first paragraph following Goal 3 regarding a Housing Element policy and program. Revise second sentence by deleting the phrase, "At the same time..."

10. Page 30, **Land Use Element, GOALS, POLICIES, AND PROGRAMS, Retail and Commercial Areas.** Revise Goal 6 to read as follows: "Encourage existing commercial districts (1) to provide an adequate mix of neighborhood-serving businesses as well as second-story residential uses, and (2) to be accessible by means other than the auto."

11. Page 32, **Land Use Element, GOALS, POLICIES, AND PROGRAMS, Action Program [16].** Replace "Environmental and Design Review Board" with "Planning Commission."

12. Page 40, **Land Use Element, LAND USE CHANGES** and Page 42, **Figure 2-5, Changes to the Land Use Map.** For #15 Sanitary District No. 1 site, change area size to 10.67 acres. The 9.9-acre number is incorrect.

13. Page 41, **Land Use Element, LAND USE CHANGES.** Add the following: "19. The 1.46 McLaren Property (APNs 20-031-12, 13, and 14) located off of Estelle Avenue at the north end of Magnolia Avenue should be changed from Low Density Residential (up to 5 du/ac) to Medium Density

Residential (up to 12 du/ac). Prior to amending the land use category and development approval, environmental review is necessary to determine appropriate measures to mitigate potential impacts, particularly those associated with the historic resources on the site, noise, traffic, and lighting. The site may be considered for higher density if needed to meet the City's affordable housing goals."

14. Page 83, **Circulation Element, GOALS, POLICIES AND PROGRAMS, Policy c.** Revised Policy c as follows (additions indicated by underlining and deletions by strikeouts): "To minimize traffic increases on Sir Francis Drake Boulevard, properties north of Corte Madera Creek shall not generate additional PM peak traffic over existing levels by a change of use or building addition. Exempt from this policy are: (1) singly-developed single-family homes, (2) vacant properties, and (3) residential development projects where no less than: 15% of the units are dedicated to very-low income households and 10% to low-income households and 25% to moderate-income households, or where 50% of the units are senior and/or disabled housing. TSM (transportation system management) should be considered and may be used to maintain existing levels of traffic generation, where feasible.

15. Page 104, **Community Facilities and Services Element, OTHER PUBLIC BUILDINGS, College of Marin.** Add the following sentence to the end of the paragraph: "However, the Larkspur portion of the campus should be investigated further to determine if housing, primarily affordable housing to serve the interests of the College (e.g., teachers and students), could be built on a portion of the site."

16. Page 108, **Community Facilities and Services Element, GOALS, POLICIES, AND PROGRAMS, Goal 2, Policy h.** Revise Policy h as follows (additions indicated by underlining): "Encourage school districts not to sell school sites, but preserve them for community and future school use. Where the opportunity presents itself, the school districts also should be encouraged to consider the development of affordable housing on surplus properties to serve the needs of teachers and other school employees."

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 20th day of October, 2004 by the following vote, to wit:

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

James H. ...

MAYOR

ATTEST:

John A. ...
CITY CLERK