

# CITY OF LARKSPUR, CALIFORNIA GENERAL PLAN

## APPENDIX & FIGURES

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### **Appendix A: Description of Gateways**

One's general impression of Larkspur depends on the point from which the community is entered or the place from which the city is observed. Larkspur is entered at six major gateways - one from the east (from East Sir Francis Drake Boulevard alongside San Quentin Prison); one from the north (descending from the Southern Heights Ridge southbound on US Highway 101); two from the west (southbound on College Avenue from the College of Marin, and eastbound on Sir Francis Drake Boulevard from Wolfe Grade Drive); and two from the south (northbound on Magnolia Avenue from Corte Madera, and northbound on US Highway 101 above the NWPRR right-of-way and just south of - before - the Lucky Drive intersection). The visual impressions from each of these six gateways are quite different and are reviewed below:

#### **1. From the east (westbound on East Sir Francis Drake Boulevard past San Quentin Prison)**

Coming by car across the bridge from Richmond on Interstate 580, the driver exits onto a ramp and frontage road that parallels the freeway for a little more than half-a-mile. On the right are industrial buildings in San Rafael. On the left is a sparsely wooded hillside. The frontage road swings left and over the I-580 Freeway. On the right are mostly barren hillsides and a major intersection with Andersen Boulevard. On the left can be seen the staff housing, the outer yards, and the high walls of the State prison. A half-mile after having crossed Route 580, the road has descended to the Bay. Immediately in the foreground - at many times during the year - are cars parked along both sides of the road. Windsurfers and the Golden Gate Ferries can be seen in the Corte Madera Channel on the left. Looking west across the channel, the motorist has a view of Mount Tamalpais and its descending ridges, which provide a spectacular backdrop to the horizontal line of urban development in the middle-ground and water in the foreground.

This view is interrupted by Remillard Park at the official boundary of

Larkspur, and urban development intensifies at the Remillard Brick Kiln (office building) and Larkspur Landing Shopping Center on the right, with the triangular space frame of the Larkspur Ferry Terminal looming on the left. The motorist continues under the pedestrian bridge that connects the Ferry Terminal with the shopping center, past two major intersections, and under the historic wood trestle of the Northwestern Pacific Railroad (a landmark dating from 1884) before coming to the congested and signalized intersections of the Highway 101 on- and off-ramps.

Once past the intersections and under the freeway, the view of Mount Tam again opens up, but attention must be paid to the lines of traffic converging onto four-lane Sir Francis Drake Boulevard. On the right and above are the houses of Greenbrae. On the left are the offices of Drake's Landing and the Bon Air Shopping Center.

The impression is one of increasing traffic congestion. The driver has gone from the open road of the bridge and its extended off-ramp, past the increasingly dense complexes of the correctional center, Larkspur Landing, and the Ferry Terminal. The view of Mount Tam is memorable, but there is nothing in this driving sequence to either alert the newcomer that Larkspur is ahead, or to tell the driver that he has entered Larkspur, or to advise what is ahead, where to turn to reach the Downtown, what lanes to use to turn or not to turn, *etc.* (All of this could be done with a sequence of well-designed and carefully placed symbols and signs along this route.)

## **2. From the north (descending from the Southern Heights Ridge southbound on US Highway 101)**

After passing the turn-off to Interstate 580 (the Richmond Bridge), Highway 101 southbound from San Rafael bears right and climbs to the top of the Southern Heights Ridge. Highway signs announce "Kentfield/Sir Francis Drake Boulevard" and "Ferry Terminal/Fairfax." There is a small sign, "Larkspur," just over the crest. The driver's view is focused straight ahead. There is some awareness of the steep bank on the right and the trees and houses of Greenbrae above, but little awareness of the Larkspur Landing Shopping Center and office buildings below the freeway on the left. However, Wood Island, capped by its office buildings, does appear prominently in the left foreground just before the motorist must exit to the right onto Sir Francis Drake. Attention must be paid to converging traffic and the major signalized intersection with Eliseo Drive and Barry Way.

During the afternoon and evening peak hours, it is almost impossible to get into the left turn lanes. It may be appropriate to mark visually this intersection as an entrance to Larkspur, and to direct Bon Air Shopping Center traffic to the next intersection at La Cuesta Drive.

## **3. From the west (southbound on College Avenue from the College of Marin)**

Those coming from West Marin, the Upper Ross Valley, and Kentfield and Kent Woodlands enter Larkspur via College Avenue. The City Limits begin at the intersection of College Avenue, Kent Avenue, and Woodland Road. The intersection itself is a landmark because of the sharp angle formed by

Kent and College Avenues. Those who have come via College Avenue from Sir Francis Drake Boulevard have passed college buildings and parking lots on both sides of the road, and now, at this intersection, there is the softness of a tree grove on the right, and houses on both sides of the street. As College curves to the left and crosses Murray Lane, the street name changes to Magnolia Avenue, both sides of the street are in Larkspur; and both sides change to commercial (a distinct "edge"). Here, at the intersection of Murray Lane and College Court with Magnolia Avenue is another appropriate location to mark the entrance into Larkspur.

#### **4. From the west (eastbound on Sir Francis Drake Boulevard at Bon Air Road)**

Heading east on Sir Francis Drake Boulevard, after passing Wolfe Grade Drive (marked by a pedestrian bridge from Greenbrae to the Anthony Bacich Elementary School), one sees the homes of unincorporated Greenbrae on the left and the buildings and grounds of Marin Catholic High School on the right, which continue to Bon Air Road. The City Limits of Larkspur begin at the far right corner of the Bon Air intersection. This entry to the City could be marked in some way, even though a right turn at Bon Air Road would keep the driver in unincorporated area. Most appropriate would be signs directing the visitor to turn right to Downtown Larkspur and, for those visitors continuing on Sir Francis Drake Boulevard, entrance banners welcoming all to the City. Further south on Bon Air Road, after having curved right and left around Marin General Hospital, the City Limits are entered just before reaching South Eliseo Boulevard. Entrance banners could be placed in this location, between the City Limits and Corte Madera Creek.

#### **5. From the south (northbound on Magnolia Avenue from Tamalpais Drive in Corte Madera)**

This most direct route to Larkspur from the south is not signed. From the Tamalpais Drive exit on northbound Highway 101, a left turn at the signalized intersection will take the driver about a half-mile along a straight, wide, and boulevarded four-lane Tamalpais Drive past the Corte Madera Town Center shopping center and the Corte Madera Town Park before the road narrows to two lanes and curves through Corte Madera's small Downtown to Magnolia Avenue. A free right turn allows traffic to Larkspur to turn right onto Corte Madera Avenue northbound without stopping.

Approximately 700 feet (one long block) to the north is the Larkspur City Limit, marked by a small green sign. The street name changes to Magnolia Avenue. Almost immediately on the right is the LCM School and grounds that continue to Alexander Avenue. Apparent, as the road bends right, are the tall palm trees and intersection of Baltimore Avenue, then the dense tree cover and the entrance to the Lark Creek Inn. These landmarks are on the right, but Dolliver Park, its redwoods, and its play equipment are also prominent on the west side of Magnolia Avenue. >From the Lark Creek shops, the blue banners of Downtown are immediately visible, and it is only two blocks from there to City Hall and Downtown.

#### **6. From the south (northbound on US Highway 101 above the old NWPRR right-of-way and just before the Lucky Drive interchange)**

After passing between Corte Madera's two regional shopping centers, the northbound motorist passes a quarter-mile of motels, restaurants, and offices on the left and a marsh on the right. The freeway climbs slightly to cross the former NWPRR and the south loop of the Nellen Avenue/Redwood Highway frontage road. At this point the driver has entered Larkspur. The Corte Madera office and commercial strip continues for another quarter-mile on the left. On the right in Larkspur is a mix of trailer parks, service stations, shopping center, and industrial buildings and yards. Highway signs announce "San Anselmo, Richmond Bridge, San Quentin, Ferry," and "Hospital, Fairfax, College of Marin." The 1973 General Plan called this area "a confusing mix of activities." Worse - for the first-time visitor to Larkspur - is the confusion over which exit to take.

There are at least three obvious destinations in Larkspur, and each requires a different route and a split-second decision about where to exit: (1) To the Cost Plus shopping center - take the first (Lucky Drive) exit. (2) To Larkspur Landing or the Ferry Terminal - take the next exit but bear right. (3) To Larkspur proper or the Bon Air Shopping Center - take this second exit but bear left. Those are the obvious choices, but what about less obvious destinations, such as City Hall, Downtown, or Redwood High School? (As Larkspur citizens know, the better route for those destinations would have been Tamalpais Drive through Corte Madera, but that route to Larkspur isn't signed for the visitor.) Once at the Lucky Drive exit, the route to Downtown is tortuous - turn right (south) on Redwood Highway, go back toward the south (the direction from which you were coming), bear right, cross under the freeway (you're again heading north, but now on Nellen Avenue), turn left at the first intersection (Fifer Avenue - but watch out for cars exiting and entering the freeway), go through the next intersection, turn left - and *voilà!* - there's Redwood High School, but where is its entrance? Turn right on Riviera Circle (but bear left so you don't drive into the Greenbrae Marina), bear left around the High School (there are pleasant looking homes on the right), and there, on the left, is the entrance road to the High School. The driver left Larkspur at the west frontage road - Nellen Avenue - northbound, and came back into Larkspur at the Redwood High parking lot at Riviera Circle.

By continuing west on Doherty Drive, the motorist will reach the busy T-intersection of Magnolia Avenue and Doherty Drive, where signs advise a left turn to Downtown and City Hall. En route, on the right, the driver passes beautiful and open marsh, Larkspur Creek (not signed), and Piper Park, the police station, and Hall School. On the left were the not-very-well-maintained high school fields, plant nurseries, and the Lucky Shopping Center.

In summary, this is a confusing and unattractive gateway to Larkspur. Residents are no doubt used to the twists and turns. Probably this should be considered only a secondary entrance to Larkspur, but it wouldn't hurt to sign the route with directions to Downtown.

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## Appendix B: Description of Neighborhoods

### Figure B-1 Planning Areas and Neighborhoods [to be inserted]

#### 1. **Northwest (north of Bon Air Road, on both sides of Magnolia Ave.).**

a. *College Park* - This is a one-street subdivision of 18 homes on the east side of Magnolia Avenue, opposite Murray Lane, and abutting the south side of the College of Marin. The terrain is level. The houses are uniformly "California ranch style" dating from the 1950s or 1960s. The College of Marin and shops on North Magnolia and College Avenues are within easy walking distance of the neighborhood, as are the walking and bicycle paths along Corte Madera Creek and the hospital and medical offices just across the creek.

Parts of the neighborhood (primarily the houses along the east side of College Court) are in the 100-year Flood Zone. Also, these houses do not take advantage of - do not orient to - the College playing fields or the creek to the east. (There is only a small green wetlands between the homes and a College parking lot that was created by filling a former marsh.) Houses on the west side of the street are very close to - and are not buffered from - the noise and traffic on Magnolia Avenue.

b. *Murray Park* - the single-family homes (and two multiple-family apartment units) on the west side of Magnolia from Murray Avenue north to the City Limits (Murray Lane). This neighborhood extends west of the City Limits into unincorporated area.

This is a neighborhood of approximately 100 one- and two-story homes of various sizes dating from 1912 through the 1940s. (Approximately 30 additional homes lie west of the Larkspur City Limits in unincorporated Kent Woodlands.) Some were originally summer homes sited among the redwoods. A creek runs through the area.

The area is quiet. There is no through-traffic. Exit/entry is from North Magnolia Avenue via three streets - Murray, Frances, and Estelle Avenues. The College of Marin and shops on North Magnolia Avenue (and on College Avenue in Kentfield) are within easy walking distance of many Murray Park residences.

Neighborhood problems include landslides that have occurred in the area. Roads are narrow. The moving and storage company on North Magnolia adversely affects the neighborhood as the vans routinely use Murray and Frances Avenue for parking and turning around.

c. *Skylark* - This is a high density multiple-family development dating from 1969, prominent on the eastern slopes of the hill above (west of) Hillview and south of Murray Park. In the lower section, the building module is small

- two to three dwelling units per building. Further up the hill, the buildings are larger and more "apartment-like." There are several common "amenity areas."

The development is set in and surrounded by groves of trees. It has good potential for access to surrounding open space. However, the building layout produces auto and parking congestion, and parking is the first thing one sees.

d. *Hillview* - the single-family development between Magnolia Avenue and Corte Madera Creek north of Bon Air Road, and abutting the College of Marin Educational/Environmental Resource District on the east. There are approximately 120 single-family homes that remain predominantly one-story, in this 1955 ranch-style subdivision on level terrain along Corte Madera Creek. There is one entrance to the neighborhood off Magnolia at a four-way stop; Golden Gate Transit stops are located there. A linear park along Magnolia Avenue buffers the neighborhood. There is no through-traffic. The park paths lead north a short distance to shops along North Magnolia Avenue and to the College of Marin. All streets are named after universities or colleges.

Front yards are individually landscaped, but generally without fences or hedges. Sidewalks are paved and without borders. The subdivision enjoys good views of Mt. Tam and the surrounding hills. Some homes flank Corte Madera Creek. Parts of the neighborhood (primarily a central zone parallel to Magnolia Avenue) are in the 100-year Flood Zone.

**2. Southwest (south of Bon Air Road, west of Magnolia Avenue).**

e. *Magnolia Victorians* - approximately 30 homes along the west side of Magnolia Avenue from the Escalle Winery south to the Downtown. Approximately 12 of these homes were built in the late 1890s and early 1900s. Many were converted to rooming houses during World War II.

f. *Cedar-Ajax* - Here - west of Hawthorne Avenue and north of Citron Avenue - are predominantly newer, medium-to-large, single family homes on large lots heavily wooded with oak, bay, madrone, and redwoods. (Power lines running through the heavy tree cover cause frequent power outages during the winter.) Most lots are sloped, and the homes are multi-story. Views of the Ross Valley, San Francisco Bay, Downtown Larkspur, Corte Madera Ridge, Mount Tam, and King Mountain are spectacular. The neighborhood borders on the King Mountain open space area and has a rural feel, yet is close to Downtown. The area is "built-out" in the sense that all lots are built upon, but many houses are being expanded. There are no through streets, and very little parking space on the streets (but there is ample off-street parking). The streets are built of unreinforced concrete overlaid with a thin layer of asphalt, and are subject to cracking. Also, the narrow, curved streets combined with the lack of sidewalks make walking dangerous.

g. *Central Homes* - the apartments and homes lying immediately west of the "Magnolia Victorians" and Downtown, north of Sycamore and east of Hawthorne Avenue, and as far south as Walnut Avenue. The street system

and homes date predominantly from the 1890s through the 1930s. Single-family homes are found on the hillside; they include a number of "California bungalows." multiple-family buildings occupy some of the flatter parcels. This area has perhaps the largest number of historic and architecturally distinctive homes in Larkspur. Most of the residents below Hawthorne - especially those south of Ward - are within walking distance of Downtown.

h. *The Loop* - southwest of *Central Homes* and includes Walnut, Hazel, Laurel, and Palm Avenues. This neighborhood is situated on a hilltop - the ridge between Downtown and Baltimore Canyon. Its 60-70 homes - modest to very large - were built mostly between 1890 and the 1930s. Lots are steep and heavily wooded with large trees. Views are excellent. The large lot size often allows building additions without blocking views or creating conflicts between neighboring properties. Despite the neighborhood's hilltop location, Downtown is within easy walking distance.

While there is no through-traffic, the street system is poor. There is no room for parking on the street, and very little room for private off-street parking.

i. *Baltimore (Madrone) Canyon* - the area west of Magnolia Avenue, south of "The Loop" and as far south as Chevy Chase, and including West Baltimore and Piedmont Avenues. This neighborhood is centered on and bisected by Larkspur Creek, along which runs a popular hiking and dog-walking trail. The trail leads west, up the canyon, to large areas of unmanicured open space, much of it owned and maintained by the County and the Marin Municipal Water District. Connections with many trails along the slopes and ridges of Mount Tamalpais lead to neighboring towns - Mill Valley, Kentfield, Ross, and Fairfax.

The area was planned as a summer campground, and its houses come in all sizes and styles. Some were built as vacation homes as long ago as the 1880s. Others were built as late as the 1920s and 1930s, and there are a few new homes as well. Although most are one-story, there are many two-story homes. These homes lie under a magnificent canopy of second-growth redwoods.

In general, lot sizes are small. The small lots and older non-conforming structures raise issues regarding building additions. Lots on the north side of Madrone Avenue tend to be located on upslopes; those on the south side are on flat lots, and Larkspur Creek runs behind them.

Most of the neighborhood traffic - and all of the recreation traffic to Dolliver Park and the hiking trails in Baltimore Canyon - uses Madrone Avenue, which is a cul-de-sac almost a mile long. Parking is very limited in most locations. There is very little parking available at the two recreation destinations. The entrances to the neighborhood - at Madrone Avenue, West Baltimore Avenue, and Piedmont Road - are conveniently close to Downtown and schools. Problems for the neighborhood (other than traffic and parking) include trash in the creek; conflicts between hikers, animals, and private property; flooding along the creek; and landslides.

j. *Madrone Woodlands* - the hills at the west end of Madrone Avenue, including Belle Rive Place, Wilson Way, and a few other short streets. This is an area of newer homes dating from 1961 and into the early 1970s on the north side of Baltimore Canyon. Most of these homes are built on very steep sites.

k. *Chevy Chase* - west of Magnolia and south of Piedmont Road and Piedmont Court to the south City Limits, and entered via Park Way, Wiltshire Avenue, and Lark Court. Includes Marina Vista (but not Summit in Corte Madera), which some consider to be part of Christmas Tree Hill. This neighborhood dates from 1937 when a miniature golf course was installed at 55 Magnolia. Narrow - and with two exceptions, winding - streets give the area its charming character. Parking, however, is a problem.

**3. South (south of Corte Madera Creek, east of Magnolia Avenue, and west of Highway 101).**

l. *Greenbrae Marina* - east of Larkspur Creek and south of Corte Madera Creek to Doherty Drive (and in the area east of Redwood High School, south to the slough that marks the Corte Madera City Limits). This is a neighborhood of approximately 190 single-family one- and two-story homes. It sits in a matrix of open space, water, parks, and the High School.

The neighborhood was built in 1963 around a single loop road with two entrances off Doherty Drive. As a result, the neighborhood is free of through-traffic, but is impacted by Redwood High School parking and speeding on Riviera Circle. Approximately 70 lots located along the outside of the single loop road have direct access to the tidal salt water of Larkspur Creek, Corte Madera Creek, and Lucky Creek, and thus have direct boating access to the Bay. This type of relationship between houses and large boats is a unique asset shared by only a few developments in the Bay Area. (Public access to the creek is greatly limited, however.) Approximately 95 lots - those on the inside of the loop road - back onto a small enclosed salt water lagoon that is fed from Larkspur Creek. Many homes enjoy views to the water and Piper Park, with Mount Tam as a backdrop.

The rear portions of most lots are partially under water, which forces development to the front of the lot. Normally, larger lots of this size--70 feet wide by 125-170 feet deep - would have more generous setbacks, and the resulting streetscape would look less like a subdivision. Lack of privacy in the front of the house is, however, offset by the water area at the rear.

Major remodelings and additions on some homes have undermined the views and privacy previously enjoyed by neighboring homes. Second stories added above garages have changed the streetscape - the bulky additions seem to loom over the sidewalk. These additions apparently are driven by the prevailing escalation of housing prices, the demand for waterfront homes, and the demand for larger homes.

m. *Boardwalk* - approximately 30 homes along the south side of Corte Madera Creek and a tributary, along the western edges of Hall School and Piper Park. This well-defined, isolated, and historic community consists of

small, one-story "arks" along the south side of Corte Madera Creek. Residents enjoy proximity to marsh wildlife, and no vehicular traffic. Known as "Arksville" in 1918, it is the last survivor of four houseboat colonies along Corte Madera Creek in Larkspur. The entire neighborhood lies within the 100-year Flood Zone. Access for emergency vehicles is very limited. The boardwalk requires constant maintenance.

n. *Larkspur Plaza* - west of the Larkspur Boardwalk, from Doherty Drive north to Corte Madera Creek. This neighborhood consists of two-story multiple-family buildings (condominiums) with parking-oriented entrances. The entire development lies within the 100-year Flood Zone. Because the buildings are laid out in a ring along the perimeter of the property, some units cannot take advantage of the views to either the creek or the mountain, and few units can take advantage of both. The buildings also wall off the creek from public view.

o. *Creekside* - a development under construction in 1989, located east of Magnolia Avenue, south of Bon Air Road and Corte Madera Creek, and west of "Larkspur Plaza." This neighborhood will have 71 single-family units. An adjacent development of 28 multiple-family units of affordable housing is being built by the Ecumenical Association for Housing. "Use and enjoyment" easements prevent homeowners from enlarging their units.

p. *Downtown* - This neighborhood adjoins both sides of the commercial strip that stretches along Magnolia Avenue from William Avenue on the south to Ward Street on the north. Downtown's apartments and homes extend to Hawthorne Avenue on the west and the Northwestern Pacific Railroad right-of-way on the east. The commercial part of the downtown extends north to Doherty Avenue, and its commercial buildings date from the late 1800s. It is listed on the California and National Registers of Historic Districts.

q. *Baltimore Park* - This small and level area - between Magnolia and the NWPRR right-of-way, between William and Alexander Avenues - has considerable architectural variety. Several houses (some dating from the early 1900s) and the Alexander Bridge (1927) are historical landmarks. Baltimore Avenue is unique, with its line of very tall palm trees (planted in 1910) and its semi-circular paved entrance to the neighborhood from the east (Holcomb Avenue) that faced the NWPRR passenger station. North of William Avenue, the paved path along the former railroad right-of-way makes it easy for bicyclists and pedestrians to get to Downtown and to the Lucky Shopping Center to the north. A dirt path branches to the east atop the right-of-way parallel to William Avenue to connect to Redwood High School. The path is available to and used by hikers and joggers from all over the Bay Area - although the path does not continue east across the Corte Madera flood control channel. Baltimore Avenue to the west connects to the trails through Baltimore (Madrone) Canyon.

Heavy traffic along Magnolia poses a modest but potential threat to Baltimore Park because cars could divert to Monte Vista or Holcomb Avenues to avoid three or four blocks of Magnolia Avenue. There is a

potential for the neighborhood to increase in size and population if development occurs in the small triangle of railroad property at the southeast corner of William and Holcomb Avenues, or on the LCM School site.

r. *Palm Hill* - the area bounded by the Northwestern Pacific Railroad right-of-way and Holcomb Avenue on the west, the NWPRR and William Avenue on the north, and the Corte Madera City Limits on the south and east. This area opened for development in 1910. Some residents tend to think of Palm Hill as "just the hill" - excluding the flatter areas south of Elm and Bay View Avenues. There is little traffic, and views from the hill are magnificent.

s. *Meadowood* - approximately 75 homes located east of the Northwestern Pacific Railroad right-of-way and south of the Niven Nursery, and along both sides of Meadowood Drive and the north sides of William and Chanticleer Avenues. This subdivision was developed in the late 1960s and early 1970s along wide, quiet streets.

t. *Heather Gardens* - approximately 118 homes in the area north of William Avenue, east of "Meadowood," and south and west of Redwood High School. This is a neighborhood of tract 2-bedroom cottages built in 1942 on what are now considered substandard lots. Most of the homes have been remodeled and expanded to three bedrooms by converting the garage or adding a room in the rear. In the process, the homes have been individualized and are somewhat less uniform in appearance. Younger families are gradually replacing the original owners.

The "younger" residents have infused the "Gardens" with young children, a family orientation, and a new neighborhood spirit. A block party is held annually in Heatherwood Park. Magnolia Avenue shops and bus stops, churches, and all schools are easily accessible by foot, bike, or auto. A dirt path branches to the east atop the right-of-way parallel to William Avenue to connect to Redwood High School. The path is used by hikers and joggers from all over the Bay Area - although the path does not continue east across the Corte Madera flood control channel.

The streets (apart from William Avenue) are narrow. There is no through traffic (although William Avenue regularly endures some traffic from Redwood High School and bypass traffic from Magnolia Avenue during the Fourth of July Parade). The neighborhood is quiet. Parking in the neighborhood is limited. Electric and telephone utilities are above ground and visible. Parts of the neighborhood (primarily "the lower garden" the eastern portions closest to the High School fields) are in the 100-year Flood Zone. They were badly flooded in 1955, but not in 1982.

#### **4. East (east of Highway 101).**

This entire area enjoys magnificent views of Mt. Tamalpais and Northridge.

u. *Greenbrae East* - This is the name preferred by residents of the only two mobile home parks in Larkspur - the Golden Gate Trailer Park next to Cost Plus and Marin Travel Trailer Park. They make up the residential portions of this neighborhood on Redwood Highway. Marin Travel Trailer Park has

about 250 spaces--90 permanent spaces (no vacancies); 100-120 that are rented by the month (90 are filled); and 50 overnight spaces. Total population in the park is 420. Golden Gate Trailer Park has 64 total spaces of which 20 are permanent, 20 are leased by the week or month, and 24 are overnighters. Population in the park is 25. Both parks enjoy easy access to the marsh and open space adjoining the Bay. They are close to stores and the Larkspur Ferry. They provide affordable housing, much of which is occupied by the elderly.

The trailer parks lie within the 100-year Flood Zone, but the City has installed pumps to drain flood waters from the area. Traffic to and along the freeway and to the surrounding industrial and commercial uses is extremely heavy, and highway noise and fumes are noticeable in the trailer parks.

v. *Greenbrae Boardwalk* - This neighborhood is bordered on the north by Corte Madera Creek, on the west by the NWPRR right-of-way, and on the south by the Corte Madera Marsh Ecological Reserve. It lies in unincorporated area within the Corte Madera Sphere of Influence, but Marin County planning staff has recommended that it be moved to the Larkspur Sphere of Influence. Its only access point from land is from Larkspur, and as with the Larkspur Boardwalk, the homes along it can only be reached by foot from a common parking area. There are approximately 50 homes in this neighborhood. Some arks located here at least as early as 1920. Others were moved to this location from Bon Air in 1946.

w. *Larkspur Landing Circle* - This is an area of multiple-family developments (Lincoln Village I and II, and Larkspur Court) that lie between other (commercial) land uses, including office buildings, a hotel, and a regional-specialty shopping center, north and east of Larkspur Landing Circle. Within each Lincoln Village development, the architecture is uniform, buildings are consistent in scale (two- to three-story), and open space is clustered in manicured courtyards with a great deal of "hardscape." The walls of the former quarry and the new landscaping leave the area looking somewhat bare. (It will take some time for the landscaping to mature.) Vehicles circulate around the perimeter of the complexes. The resulting feeling is an "open" one, punctuated by buildings and parking lots that dominate the streetscape.

Residents enjoy a variety of services and employment opportunities, excellent transportation (by car, bus, and ferry), southern exposure for buildings and grounds, and spectacular views of the water and mountains. However, Highway 101 isolates the neighborhood from the rest of the community, including libraries and schools. (All children, grades K-12, attend school in San Rafael.)

##### **5. North (north of Corte Madera Creek, west of Highway 101).**

x. *Greenbrae* - the entire hill from Sir Francis Drake Boulevard north to the San Rafael City Limits (the top of the Southern Heights Ridge), from Highway 101 west to Manor Road. Roughly the triangular southwestern half of this area is unincorporated. The northeastern half lies within Larkspur. This is an area of single-family ranch houses, the first ones having been built

between 1949 and 1952. Houses in the northern part of the neighborhood are located on sloping lots and are predominantly a mix of split-level or two-story.

Greenbrae is easily identified geographically - it is clearly a long hill bounded by a major road below and a prominent ridge line. Major entrances are identified by lighted pillars and signs, and well-planted medians divide the streets, many of which are split-level. The landscaping in the area is mature and gives the neighborhood a measure of seclusion from the everyday hassle of city life. Traffic within Greenbrae is limited to that generated by the residents and service vehicles, since the meandering streets, many of which are culs-de-sac, make access to neighboring areas very difficult. The negative aspects of the street system are that the streets are narrow and most do not have sidewalks - which makes pedestrian travel hazardous, especially for children. Further, the street layout is often confusing to visitors.

Other negatives include unstable soils, poor drainage, and - in the older areas - small lots. Here the limited space between houses and proximity of most houses to the street creates a visual wall along the street edge. Finally, community identity in Greenbrae is hampered by its division into incorporated and unincorporated areas. For example, different agencies provide emergency services to the two areas.

y. *Bon Air Hill* - the multiple-family buildings on both sides of the hill on the south side of Sir Francis Drake Boulevard, from Marin General Hospital on the west to the Bon Air Shopping Center on the east. On the north side of the hill are three-story multiple-family buildings dating from the 1940s and 1950s. The buildings are imposed on the hillside with minimal landscaping, no sidewalks, and no front setbacks. Two- to three-story multiple-family buildings dating from the 1960s and 1970s line the south side of the hill. From a distance, the light-colored buildings look like long horizontal "dashes" on the darker hill.

The area is oriented entirely to the auto rather than the pedestrian. Vehicular access to individual buildings is awkward. From the streets on the hill, where the setbacks from the street are small, the visual height of the buildings is maximized. There is no public open space.

Many residents are elderly. The median age for the census tract in which Bon Air Hill is located is a *relatively old* 49.1 years compared to 40.1 years for Larkspur as a whole and 35.1 and 36 for the two other Larkspur census tracts.

*This census tract has the largest number of older persons (over 60 years old) of any community in Marin County.*

The owners of the apartment buildings have maintained rents that appear to be lower than the market rate, and the presumption is that they could charge more but prefer the lower turnover. The buildings on the south side of the

hill have good solar orientation and good views.

z. *Bon Air* - two residential developments (Marin Cove and Drake's Landing) located east of Bon Air Hill and South Eliseo Drive, between Corte Madera Creek on the south and Sir Francis Drake Boulevard on the north. The housing developments are part of a larger Master Plan for the entire Bon Air area (which includes the shopping center and offices). The easterly development - Drake's Landing - consists of approximately 42 two-story town houses. The westerly development - Marin Cove - has approximately 129 homes on somewhat larger lots. Residents of both developments enjoy good access to the creek and to Highway 101. Many homes have excellent views across the water to Mount Tam. "Use and enjoyment" easements between the homes in Marin Cove effectively prevent homeowners from enlarging their units.

aa. *Bon Air Landing/South Eliseo* - the multiple-family buildings between Corte Madera Creek on the south and Bon Air Hill on the north, generally along the south side of Eliseo Drive and generally east of Corte Real. Most buildings are three-story blocks with flat roofs, and date from the late 1960s and early 1970s. The units are expensive condominiums with views to Mount Tam, and quick access to bike paths at both ends of South Eliseo Drive. Bon Air Shopping Center is within easy (and flat) walking distance, and the neighborhood also enjoys easy access to Highway 101. (Local drivers use South Eliseo Drive and El Portal as an alternative to Bon Air Drive to get to and from Sir Francis Drake Boulevard.)

Except for two parks between the road and the creek, the buildings along the south side of South Eliseo Drive wall off public view of and access to the creek. Residents in buildings along the south side of the road enjoy private access to the creek.

There is no bike path connecting to Bon Air Road. Yet, many bicyclists - especially children on the way to and from school - ride in the street on South Eliseo. A great deal of traffic is generated by the mix of higher density residential along the eastern two-thirds of South Eliseo and the medical offices along the western third of the street. The medical building traffic is a major concern to the residents, and as traffic on Bon Air Road increases, use of the El Portal cut-through will increase.

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### **Appendix C: Designating and Acquiring Private Property for Public Benefit**

California law requires cities to adopt general plans and further authorizes revisions to these general plans. The general plan is a long range, comprehensive policy statement describing a community's future physical development. The California Supreme Court noted in *Selby Realty Co. v. County of Sacramento* (10 Cal. 3d at 119, 109 Cal. Rptr. at 805, 1973) that

such long range planning is--by its nature--tentative, and its adoption is "several leagues short" of an intention to condemn property [Property owners naturally become concerned when they learn that a government is making plans that will lead to public use of their private property. Governments regularly use their powers of "eminent domain" to openly and directly acquire, and pay fair market value for, privately owned land needed for public improvements, as in the case of highways or sewer plants. However, outright purchase in "fee title" is only one way to acquire the use of land. Cities, counties, and special districts have acquired easements (for road, trail, and open space purposes, for example), and property owners have dedicated land or easements to governments for specific uses under specific terms].

When preparing general plans (which have planning periods of ten to 20 years), city and county governments in California are often in the position of designating certain private properties for future public benefit or use, while noting that other private properties (floodways, for example) will not be allowed to be used for any private purpose. Cities and counties have such authority, and *merely designating on a general plan that a private property is to become a future park, for example, does not constitute a public "taking" of private property by "inverse condemnation."*

Recently--especially in the 1970s and 1980s--the federal and California courts have heard many cases where property owners have sued governments, alleging (in general) that the governmental agencies involved have tried to use (or "take") private property for public purposes without properly compensating the owners for their alleged permanent or temporary monetary losses. In some cases, the owners have attempted to claim that a government action (generally planning or zoning) removed part or all of the value of their land, and thus the government "took" or "inversely condemned" the property. Naturally, these owners sought to be compensated for what they saw as their loss of actual or potential property value or present or future income from their properties. In the greatest number of these cases, the government prevailed [*Selby Realty Co. v. City of Buenaventura* (1973) 10Cal. 3<sup>d</sup> 110, provided that a general plan depicting future street dedication is not taking. *Orsetti v. City of Fremont* (1978) Cal. 3d 961, 967, provides that amendments to a general plan designating certain property as open space is not taking. *Rancho La Costa v. County of San Diego* (1980) 111Cal. 3d 54, held that declaration if intent to amend the general plan designation from residential to agricultural is not taking. *Gilland v. County of Los Angeles* (1981) 126 Cal App 3d 610, provided that adoption of a general plan is not taking. *Guianne v. City of San Francisco* (1987) Cal. App, 3d 862, held that mere planning designation is not the equivalent of an announced intent to condemn, and thus not taking].

This memorandum attempts to explain very briefly, and in lay language, how the land use planning process works in relation to property rights in California, and what constitutes a "taking" of private property by "inverse condemnation." Inverse condemnation is also known as an "implied taking" of private property for which the owner of subject property pleads entitlement to just compensation for interference with private property rights.

California case law defines the time when an inverse condemnation suit "is ripe" as that point when public action has occurred that is "direct and specific," such as the adoption of a *resolution of necessity* to proceed with acquiring private property by means of eminent domain (California Code Civil Procedures, Sect. 1245.260). When a city adopts such a resolution, it

has six months to file an eminent domain suit. A property owner then has a year to file an inverse condemnation suit. The law is rapidly evolving in this area, however, and it is not clear precisely what public action is direct and specific enough to constitute an implied taking. Nevertheless, *adoption of a land use plan is clearly not enough to constitute an implied taking* [The following cases are examples of actions that are not takings (from Longtin, pages 130-131, and 1989 supplement thereto):

- A. Down-zoning from commercial to residential with reduction in value from \$400,000 to \$75,000. *Agins v. City of Tiburon* (1970)24 Cal. 3d 266.
- B. Down-zoning to residential planned development and open space allowing maximum of five dwellings on five acres. *Dale v. City of Mountain View*(1976)55 Cal. App. 3d 101, 109.
- C. Down-zoning contiguous parcels allowing one multiple dwelling per five acres on one parcel and four multiple dwellings per acre on the other parcel. Court considered both parcels as a whole, contrary to plaintiff's allegation of taking on more restrictive parcel only. *American Savings & Loan Assn. V. County of Marin* (9<sup>th</sup> Cir.,1981) 533F 2d 363.
- D. Down-zoning from industrial and commercial to general forest leaving a remaining value of less than 25% of former value. *Sierra Terreno v. Tahoe Regional Planning Agency* (1978) 70 Cal. App. 3d 439.
- E. Down-zoning causing reduction in value from \$3,500,000 to \$675,000. *Brown v. City of Fremont* ( 1977) 75 Cal. App. 3d 141, 146.
- F. Down-zoning from commercial to private/commercial recreation use but still allowing operation of a tennis club with diminution in value from \$1,250,000 to \$250,000, *Friedman v. City of Fairfax*(1978) 81 Cal. App. 3d 667, 675.
- G. Down-zoning from commercial to agricultural but still allowing a single family dwelling on the premises, with diminution in value in amount of \$95,000 and \$75,000 per parcel. *Pan Pacific Properties, Inc. v. County of Santa Clara* (1978) 81 Cal. App. 3d 244, 253-256.
- H. Down-zoning denying development on beach lands but allowing for compensating densities on adjacent lands. *Aptos Seascope Corporation v. County of Santa Cruz*(1982) 138 Cal. App. 3d 484.
- I. Flood Plain zoning allowing very limited agricultural and recreational uses. *Helix Land Co. v. City of San Diego* (1978) 82 Call App. 3d 932.
- J. Zoning ordinance change reducing permitted height of future buildings from 300 feet to 40 feet. *Wm. C. Haas and Co. v. City of San Francisco* (9<sup>th</sup> Cir., 1979) 605 F. 2d 1117.
- K. General plan and zoning ordinance amendments reclassifying 1500 acres bordering lake from recreation to rural lands, a more restrictive category but which did permit a limited number of single family dwellings. *Lake Nacimiento Ranch Co. v. San Louis Obispo County* (9<sup>th</sup> Cir., 1987) 841 f. 2d 872.] .

Because any land use designation in a general plan is subject to change through many processes (legislative, E.I.R., public hearing, or inter-agency review to name a few), private property whose land has been designated for public use in a general plan typically have not been successful in adverse condemnation lawsuits.

To prevail in an inverse condemnation lawsuit, a property owner must prove that there was direct and substantial interference with his or her property rights. For instance, such was the case in *Elks Hall Assoc. v. Richmond Redevelopment Agency* (561 F. 2d 1327, 9th Circuit, 1977) where, after adopting a redevelopment plan, the Agency began acquiring and demolishing property in the redevelopment area that included land surrounding plaintiff's property. This resulted in not only preventing the plaintiff from obtaining insurance or loans on his property, but also caused

an exodus by those tenants who found out about the scheduled acquisition. These factors resulted in a reduction of rental income to the property owner, and the owner prevailed in this case.

Another successful inverse condemnation lawsuit occurred in *Jones v. People ex rel Department of Transportation* (22 Cal. 3d 144, 148 Cal. Rptr. 640, 1978) that involved a freeway route plan that resulted in the Transportation Department depriving a property owner of the right to subdivide for a housing development by preventing him from gaining the necessary access to local streets.

Of note is the case of *Taper v. City of Long Beach* (129 Cal. App. 3d 590, 181 Cal. Rptr. 169, 1982). There the question of damages for the unreasonable denial to a property owner of the right to develop her property due to publicly disseminated pre-condemnation announcements and activities by the city to acquire the property for a park (in disregard of a prior agreement between the owner and city), excluded any period of delay attributable to proper land use and fiscal planning.

"A California court has finally decided the takings issue in *First English*, the landmark case in which the United States Supreme Court held that landowners may recover damages for temporary takings [These three paragraphs are excerpted from McCutchen, Doyle, Brown, & Enersen, *McCutchen Update, Legal Developments of Importance to our Clients*, June 13, 1989]. The Supreme Court's 1987 decision set forth this general rule but did not determine whether the ordinance in question effected a taking. The state court has now decided this issue, ruling that the Los Angeles County ordinance in question did not 'take' the Church's property, and thus the Church is not entitled to compensation. *First English Evangelical Lutheran Church v. County of Los Angeles*, 89 Daily Journal D.A.R. 6876 (1989)."

"The court applied the traditional takings test, pursuant to which a land use measure will effect a taking if it does not substantially advance a legitimate state (public) interest or if it denies an owner economically viable use of his land. The county ordinance was designed to prevent human injury and death, described by the court as the 'highest possible public interest.' The court contrasted this interest with lesser public interests such as preventing premature development which had previously been determined to be legitimate public interests in the takings context."

"The *First English* decision links the determination of viable use to the public interest at stake. If the governmental action protects human lives and health, and there is no use of the property which would not threaten human lives or health, the government could deny a private owner all use of its property. Compensation would only be required for the denial of *all economically viable use* where the land use regulation advances lesser public purposes, such as preserving open space, preventing urbanization, or achieving aesthetic goals. Thus, the economically viable use test as applied in California courts probably will not be based upon any economic determination relating to a particular property, but rather on a balancing of

the remaining uses and the strength of the public interest."

### **RELATION TO THE LARKSPUR GENERAL PLAN**

The Land Use and Circulation map of the Larkspur General Plan designates various parcels for "open space" and for "shoreline/marsh conservation."

These include some privately-owned properties. The Draft General Plan represents the first step in the planning process for determining the location of and the amount of land needed in these two categories. Once the General Plan has been adopted by the City, the City can begin a process, including negotiations with property owners, leading to the trade, purchase, or lease of land or easements or both for the purpose of maintaining the desired open space qualities of the properties so designated.

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