

REZONING AND ZONING ORDINANCE AMENDMENT PROCEDURES

What is a Rezoning or Zoning Ordinance Amendment?

Larkspur's Zoning Ordinance classifies all property into various zoning districts, which control both land uses and development standards. California State Law requires zoning to be consistent with a city's General Plan. It is often possible, however, that an existing zoning designation that conforms with the General Plan can be changed (to a more intensive use, for instance) and still be consistent because the General Plan land use designations are more broadly defined. Amendments to the General Plan may also require subsequent rezoning to provide consistency.

In reviewing a proposed change of zoning or an amendment to the Zoning Ordinance, the request is evaluated for its consistency with the General Plan. It is also reviewed for compatibility of land use and conditions of use, such as building height, with surrounding development. A zoning change will be evaluated on its community-wide benefit and enhancement of orderly growth, and not whether it increases property value. The Zoning Ordinance like the General Plan represents one of the most important policy statements of the City. The Planning Commission and City Council review all Zoning Ordinance changes very carefully. **Applications for rezoning should only be made when there are compelling reasons for the change.**

What are the steps to apply for a Rezoning or Zoning Text Amendment?

1) Project Considerations: The applicant should carefully review what the present [General Plan](#) calls for in the location or area affected. It is essential that the zoning is consistent with all elements of the General Plan or the rezoning cannot be approved without a General Plan Amendment. In addition, the applicant is advised to review the proposed rezoning in advance with area residents, property owners, and other parties who may be affected by the proposed changes prior to submitting a formal application. Local utilities and other special agencies should be contacted and consulted regarding the requirements for future development in the area, if necessary.

2) Review by Staff: Prior to application submittal, an appointment should be made with the Planning staff to discuss the feasibility of the request, the history of similar proposals, the intent of City policy, possible environmental concerns and required submittal data and procedures to be followed through the process.

3) Filing the Application: The applicant will submit the completed Planning Application, deposit and other required information (see "Application Submittal Requirements" at end of this document) to the Customer Service Counter, which is located on the second floor of City Hall.

Once the application has been filed, a staff planner will be assigned to review the material to make sure all the required information is provided. The applicant will be notified within 30 days after filing as to whether the application is complete or if additional information is required.

The fee for processing an application is determined by the number of hours that staff spends on the project. An hourly rate for each staff member has been established by the City Council resolution. An hourly fee schedule is available for review. Final processing cost will vary from project to project, depending on the project's complexity. On occasion the total cost may exceed the initial deposit.

4) Environmental Review: The environmental review process will begin after the application is complete. Nearly all change of zone requests are required to have an environmental assessment to determine potential environmental impacts, if any. Contact Planning staff for information relating to the environmental review process.

5) Public Hearing Notice: Staff will prepare a Notice of Public Hearing (Notice) to announce when (date, time, and location) the application will be heard by the Planning Commission.

The notice must be posted, on the subject property site, no fewer than 10 days prior to the public hearing date and must be mailed to every property owner within a 300-foot radius of the property site.

The notice will also be posted in front of City Hall, in the notice board on the side of Wells Fargo Bank in the Bon Air Shopping Center, and in the notice board near Starbucks in the Larkspur Landing Shopping Center; and, a Notice will be published in the *Marin Independent Journal*.

6) Preparation of Staff Report: Prior to preparing a staff report for the Planning Commission, the project planner will study the request by reviewing the general plan's current policy or land use designation, conduct an investigation of the site and surrounding uses, and review any other pertinent information.

The project planner will prepare a written staff report for the Planning Commission that will analyze the requested change, make findings for approval or denial, and state the staff's recommendation for approval, approval with modifications, or denial. A copy of this report will be available to the applicant on the Friday before the scheduled Planning Commission hearing date. Copies of the report are available to the public on request.

7) Planning Commission Review: The Planning Commission is required to hold at least one public hearing on any proposed rezoning request.

At the public hearing:

Staff will present a report and make a recommendation to the Planning Commission.

The staff presentation will be followed by testimony from the applicant and any interested persons who wish to comment on the application. The Planning Commission will close the public testimony portion of the hearing to consider the staff report, the environmental information and documentation, and public testimony.

8) City Council Review: Upon receipt of a Planning Commission's recommendation for approval or an appeal of denial, a City Council public hearing will be scheduled. The same public notification provided for the Planning Commission is required for the Council hearing. At its meeting, the Council takes into consideration the following:

Public testimony,
Staff's report to the council,
Environmental information and documentation, and
Planning Commission recommendation.

Following receipt of public testimony, the City Council may:

Close the public hearing and make its decision,
Continue the public hearing to a specific time, date, and place, or
Refer the matter back to the Commission for further evaluation.

It takes the following two actions by the City Council to approve a rezoning:

Introduction of the ordinance, and
Adoption of the ordinance at a second Council meeting.

There is a 30-day period after ordinance adoption before a rezoning becomes effective to allow for the filing of a referendum petition.

The decision of the City Council is final.

9) Relationship to Other Actions: A change in the City's Zoning Ordinance may also require a General Plan amendment, which must be processed separately and prior to the consideration of the rezoning application. A tentative map, conditional use permit, variance, design review, or other discretionary permits may also be required. In most cases, the concurrent processing of related applications and development plan review can be initiated by the applicant prior to the effective date of the rezoning to facilitate the development process.

What is the estimated time to process a Rezoning or Zoning Ordinance Amendment?

The actual time for processing of a rezoning application will vary depending upon the complexity and magnitude of the proposal, and staff, commission, and council workloads.

What are the Submittal Requirements for a Rezoning or Zoning Ordinance Amendment?

- A. A completed Planning Application Form.
- B. Appropriate application deposit (check made payable to the City of Larkspur).
- C. If a rezoning is requested: A development plan of sufficient detail to ascertain the potential impacts of the proposed project on the site and the surrounding area and a letter detailing the change requested and the reason for the change. What constitutes sufficient detail is determined by the Planning Director on a case-by-case basis.

- D. If a Zoning Ordinance text amendment is requested: A letter detailing the exact section of the Zoning Ordinance to be amended, the reasons for requested amendment, and a draft of the requested amendment language.
- E. And for concurrent discretionary permit processing, submit any plans listed in the Application Submittal Requirements for conditional use permits, variances, and/or design review, as may be applicable.