

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION 14-08

**MAKING DETERMINATIONS AND APPROVING A SPHERE OF INFLUENCE
AMENDMENT TO THE CITY OF LARKSPUR**

“Tamalpais Road/Bay View Road Reorganization – City of Larkspur”
(LAFCO File No.1319)

WHEREAS, Robert and Victoria Gerstenkorn have filed a validated landowner petition with the Marin Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposal seeks Commission approval to annex approximately 0.08 acres of unincorporated land to the City of Larkspur; and

WHEREAS, the affected territory represents an entire undeveloped lot identified by the County of Marin Assessor’s Office as 022-071-19; and

WHEREAS, the affected territory currently lies outside the City of Larkspur’s sphere of influence and therefore requires amendment to include the affected territory to accommodate the applicant’s requested boundary change under Government Code Section 56375.5; and

WHEREAS, the Executive Officer’s report and recommendations on the sphere of influence amendment involving the City of Larkspur have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on the sphere of influence amendment to the City of Larkspur on December 11, 2014;

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56425 and adopted local policies and procedures on the sphere of influence amendment to the City of Larkspur.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

1. The Commission’s determinations on the sphere of influence amendment to the City of Larkspur incorporate the information and analysis provided in the Executive Officer’s written report presented on December 11, 2014.
2. The Commission serves as lead agency under the California Environmental Quality Act (CEQA) in considering the impacts of the sphere of influence amendment to the City of Larkspur. The Commission independently finds the action is a project under CEQA, but exempt from further CEQA review under the “general rule” pursuant to Code of Regulations Section 15301(b)(3). This

exemption applies given it can be seen with certainty the sphere of influence is a planning policy and the amendment and expansion to include the affected territory does not make any changes to the environment or authorize any new uses or services.

3. The amendment to the City of Larkspur's sphere of influence to include the affected territory is APPROVED.
4. Approval of the sphere of influence amendment is CONDITIONED on the following terms being satisfied within one calendar year - or December 11, 2015 - unless a prior written request for a time extension is received and approved by the Commission.
 - a) Approval and completion of the concurrent annexation of the affected territory - with or without any boundary amendments made by the Commission - to the City of Larkspur.
 - b) An indemnification agreement signed by the applicants in a form approved by Commission Counsel.
5. The affected territory is shown in Exhibit "A."
6. The statements of the Commission addressing the mandatory factors required for consideration anytime a sphere of influence is amended or updated under Government Code Section 56425 is provided as Exhibit "B."
7. The effective date of the sphere of influence amendment shall be determined by the Executive Officer and based on successful completion of the conditions outlined in this resolution.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 8th day of January, 2015 by the following vote:

AYES: Commissioners Arnold, Blanchfield, Condon, Murray, Phillips, Podoni

NOES: None

ABSTAIN: None

ABSENT: None


JEFFRY BLANCHFIELD, Chairperson

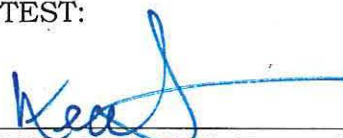
ATTEST:

KEENE SIMONDS, Executive Officer

EXHIBIT A

AFFECTED TERRITORY

022-071-19



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EXHIBIT B

SPHERE OF INFLUENCE AMENDMENT ANALYSIS OF MANDATORY FACTORS GOVERNMENT CODE SECTION 56425

1) The present and planned land uses in the area, including agricultural and open space lands.

The affected territory is currently undeveloped and substantially unimproved with current uses tied to serving as a passive backyard for tenants at the neighboring apartment complex located at 60 Corte Real in Larkspur. Adopted land use policies for the affected territory between Larkspur and the County are considered substantially similar with both authorities contemplating low-density multi-family residential uses. There are no agricultural or open space lands as defined under CKH.

2) The present and probable need for public facilities and services in the area.

Existing service needs within the affected territory are minimal given the subject lands are undeveloped and substantially unimproved with the lot used as a passive backyard for tenants at 60 Corte Real in Larkspur. No measurable change in service needs are expected with the addition of the affected territory to Larkspur's sphere and annexation therein to the City given the existing uses are anticipated to continue going forward due to size restrictions that prohibit additional stand-alone development.

3) The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.

The Commission prepared a municipal service review in April 2007 covering Ross Valley and included the City of Larkspur. The municipal service review concluded Larkspur's existing service facilities were generally adequate in capacity to meet present and near term demands within the City's corporate limits as well as in the unincorporated area of Greenbrae. The municipal service review did raise concerns regarding the ability of Larkspur to extend services to Kentfield – which includes the affected territory – and therefore removed the entire unincorporated community from the sphere. An assessment of the municipal service review relative to adding the affected territory to Larkspur's sphere and concurrent annexation would have little to no impact on the City's service capacities given existing and planned uses are tied to the lands continued passive use as a background for tenants at 60 Corte Real in Larkspur.

4) The existence of any social or economic communities of interest in the area if the commission determines they are relevant to the agency.

The affected territory has established pertinent social and economic ties to Larkspur given tenants at 60 Corte Real in Larkspur utilize the subject lands as a passive backyard recreational area. The addition of the affected territory to Larkspur's sphere and annexation therein would serve to memorialize these existing ties while also facilitating a logical and desired lot-merger with 60 Corte Real that represents the best and most efficient use of the subject lands going forward given local conditions.

