

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION 14-09

**MAKING DETERMINATIONS AND APPROVING AN ANNEXATION 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 represents an entire unimproved lot identified by the County of Marin Assessor’s Office as 022-071-19; and

WHEREAS, the Commission’s Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Executive Officer’s report and recommendations on the proposal 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 proposal on December 11, 2014 and as part of a concurrent amendment to expand the City of Larkspur’s sphere of influence to include the affected territory for consistency under Government Code Section 56375.5;

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures.

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

1. The Commission’s determinations on the proposal incorporate the information and analysis provided in the Executive Officer’s written report presented on December 11, 2014.
2. The Commission serves as responsible agency under the California Environmental Quality Act (CEQA) in considering the impacts of the proposed boundary change. The Commission independently finds the City of Larkspur has made an appropriate determination in rezoning the affected territory as “Third Residential” that the annexation is exempt from further CEQA review under California Public Resources Code Section 15319 given the affected territory cannot be further developed.

3. The proposal is APPROVED with the following amendments:

- a) The affected territory is concurrently detached from County Service Area No. 27 with the corresponding paramedic services assumed by the City of Larkspur.
- b) The affected territory is concurrently detached from County Service Area No. 31 with the corresponding fire protection services assumed by the City of Larkspur.

4. The proposal approval 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 sphere of influence amendment to the City of Larkspur to add the affected territory, including 30 reconsideration period under Government Code Section 56895.
- b) Completion of the 30-day reconsideration period provided under Government Code Section 56895.
- c) An indemnification agreement signed by the applicants in a form approved by Commission Counsel.
- d) Submittal of a final map and geographic description of the affected territory as amended by the Commission conforming to the requirements of the State Board of Equalization.
- e) Written confirmation from the City of Larkspur that the applicants have filed a an acceptable application with appropriate fees requesting a lot-merger involving the affected territory and the adjacent lot located at 60 Corte Real and identified by the County of Marin Assessor's Office as 022-071-07.

5. The proposal is assigned the following distinctive short-term designation:

“Tamalpais Road/Bay View Road Reorganization – City of Larkspur”

- 6. The affected territory is depicted in the draft map and description provided in Exhibits “C” and “D”.
- 7. The affected territory is uninhabited as defined in Government Code Section 56046.
- 8. The Commission waives conducting authority proceedings under Government Code Section 56663.
- 9. The City of Larkspur utilizes the regular assessment roll of the County of Marin.

10. Upon effective date of the proposal, the affected territory will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the City of Larkspur. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City of Larkspur.

11. The effective date shall be the date of recordation of the Certificate of Completion.

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, Phillips, Redoni, Murray

NOES: None

ABSTAIN: None

ABSENT: None



JEFFRY BLANCHFIELD, Chairperson

ATTEST:



KEENE SIMONDS, Executive Officer

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