

ATTACHMENT 3

CITY OF LARKSPUR  
ORDINANCE NO. 971

AN ORDINANCE OF THE CITY OF LARKSPUR, CALIFORNIA  
AMENDING CHAPTER 18.40, A-P, ADMINISTRATIVE AND PROFESSIONAL, DISTRICT  
REGULATIONS, TO THE MUNICIPAL CODE TO ADD CERTAIN RETAIL AND SERVICE  
BUSINESSES TO THE LISTING OF CONDITIONALLY PERMITTED USES

**WHEREAS,** the Planning Commission considered the proposed amendment to the A-P, Administrative and Professional, Zoning District at public hearings held on September 22, 2009 and October 27, 2009, pursuant to notice given in the manner required by law, the Planning Commission discussed the proposed text amendments contained in the following Ordinance and considered the testimony, written and oral, of all those desiring to be heard; and

**WHEREAS,** at a public hearing held on October 27, 2009, the Planning Commission voted to recommend that the City Council adopt the following Ordinance in lieu of the General Plan Amendment and rezoning request; and

**WHEREAS,** at a public hearing held on January 6, 2009, pursuant to notice given in the manner required by law, the City Council of the City of Larkspur reviewed and considered all oral and written testimony and arguments of all those desiring to be heard on the subject of adopting the proposed Ordinance; and

**WHEREAS,** the City Council finds, consistent with the October 27, 2009 Planning Commission findings, that this Ordinance is consistent with the Larkspur General Plan in all respects.

**THE CITY COUNCIL OF THE CITY OF LARKSPUR DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Subsection 18.40.025 of the Larkspur Municipal Code shall be amended to add subsection (G) to the end of the listing of conditionally permitted uses to read as follows:

"G. Retail or service businesses, excluding restaurants, retail food service, and ~~groceries-grocery stores~~ or supermarkets, that are primarily ~~neighborhood~~ community serving (i.e., generally accessed by bicycle or on foot or by vehicle trips of less than two miles) and determined to be compatible with administrative and professional uses. The property on which the business is located shall not abut residentially zoned or developed property, ~~and wv~~ where the property is located within 50' of a residentially zoned or developed property, open hours of operation shall not begin before 8:00 a.m. or end after 6:00 p.m."

**Section 2.** Environmental Declaration.

A. The City Council certifies that the Final Environmental Impact Report for the 800 Magnolia Avenue General Plan Amendment and Rezoning as being in compliance with the California Environmental Quality Act of 1970, as amended, and the State CEQA Guidelines and found that it provides the necessary environmental documentation for governmental decisions pertaining to the 800 Magnolia Avenue Project and associated Zoning Ordinance text changes. The Final EIR was prepared for the City of Larkspur by Amy Skews-Cox and associates and consists of two separately bound reports bearing the following titles and dates:

1. Draft Environmental Impact Report for the 800 Magnolia Avenue General Plan Amendment and Rezoning, June 2009.

2. Response to Comments Document 800 Magnolia Avenue General Plan Amendment and Rezoning Environmental Impact Report, September 2009.

These documents and related files and information are on file in the Larkspur Planning Department, City Hall, 400 Magnolia Avenue, Larkspur, California 94939.

B. The City Council, pursuant to Section 15090 of the State CEQA Guidelines, certifies that it has reviewed and considered the information contained in the Final EIR described above prior to reaching a decision on this text change to the A-P Zoning District.

C. The City Council adopts the environmental findings and mitigation and monitoring program as recommended by the Planning Commission on October 27, 2009 in Attachment 1 to the October 27, 2009 Staff Report.

**Section 3.** Severability. If any section, subsection, sentence, clause or phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Larkspur hereby declares that it would have passed and adopted this ordinance and each and all sections, subsections, sentences, clauses, phrases and words there of irrespective of the fact that any one or more of said sections, subsections, sentences, clauses, phrases or words be declared unconstitutional, unlawful or otherwise invalid.

**Section 4.** This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause this ordinance to be published or posted in at least three (3) public places in the City in accordance with Section 36933 of the Government Code of the State of California.

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IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the Larkspur City Council held on the 6th day of January, 2010, and thereafter passed and adopted by the Larkspur City Council on the 20th day of January, 2010 by the following vote:

AYES: Councilmembers:  
NOES: Councilmembers:  
ABSTENTIONS: Councilmembers:  
ABSENT: Councilmembers:

ATTEST:

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MAYOR

\_\_\_\_\_  
CITY CLERK