

GENERAL PLAN AMENDMENT PROCEDURES

What is a General Plan Amendment?

California State law requires that all cities and counties have comprehensive general plans that provide a policy statement and guide for the development and conservation of the community. All general plans are required to consist of the following elements: **land use, circulation, housing, conservation, open space, noise, and safety.**

Although the City will periodically review and update its General Plan, occasionally a need arises to change some specific portion of the Plan, such as the land use designation for a particular area. In accordance with state law, Larkspur can amend its General Plan only four times during the calendar year. These four times do not have fixed dates and may be scheduled as necessary.

The Larkspur General Plan represents one of the most important policy statements of the City. Decisions regarding proposed changes are made by the City Council following review and recommendation by the Planning Commission. **Applications for amendments should only be made when there are compelling reasons for a change.**

What are the steps to apply for a General Plan Amendment?

1) Project Consideration: The applicant should carefully review what the present [General Plan](#) calls for in the location or area affected. A proposed land use change should be compatible with the surrounding uses and provide a logical progression for the city's development. In addition:

The applicant is advised to review the proposed amendment in advance with area residents, property owners, and other parties who may be affected by the proposed changes.

Local utilities and other special agencies should be contacted and consulted regarding the requirements for future development in the area, if necessary.

2) Preliminary Review and Discussion with Staff: Prior to submittal of an application, 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 of Application: The applicant will submit the completed Planning Application, a deposit to cover staff's time, and other required data (see "Applicant Submittal Requirements" at end of this document) to the Customer Service Counter, on the second floor of city hall.

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 whether 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. An hourly fee schedule is available for review. The final processing cost will vary from project to project depending upon the project's complexity. On occasion the total cost may exceed the initial deposit.

4) Environmental Review: The environmental review process begins after the application is complete. In accordance with the California Environmental Quality Act (CEQA), all General Plan amendment 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 General Plan amendment 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 General Plan Amendment.

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 and the environmental information and documentation, and public testimony.

If the Commission recommends approval, its recommendation will be forwarded to the City Council. A City Council public hearing will be automatically scheduled.

If the Commission recommends denial, no action will be taken by the City Council unless a written appeal has been filed with the City Clerk within ten (10) days after the Planning Commission's final action.

8) City Council Review: Upon receipt of a Planning Commission recommendation, 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's 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.

The decision of the City Council is final.

For a General Plan amendment to be approved, at least the following standard findings are requirement to be made by the City Council:

1. The proposed amendment is deemed to be in the public interest.
2. The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.
3. The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.
4. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

9) Relationship to Other Actions: Many changes in a General Plan land use designation will also require a change in the City's Zoning Ordinance, thus requiring a rezoning application. Procedures for rezonings will be provided to the applicant early in the process, if required. In most cases, the applicant can initiate the processing of a rezoning application and development plan review at the same time as a General Plan Amendment.

What is the estimated time to process a General Plan Amendment?

The actual time for processing a General Plan Amendment 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 General Plan Amendment?

- A. A completed Planning Application form.

- B. Appropriate application deposit (check made payable to the City of Larkspur).
- C. If a land use designation changes 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 text amendment is requested: A letter detailing the exact section of the General Plan 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 rezoning, conditional use permits, variances, and/or design review, as may be applicable.