

Housing Opportunities Analysis

Evaluation of the Current Housing Element

Overview

State Housing Element law requires an evaluation of the achievements of the City's housing goals, policies and programs adopted in the 1990 Housing Element. There are many factors which affect the success or apparent failure of a policy or program, including what the City has done and what other agencies or groups have done to implement the program. Other factors affecting program success include the effects of the economy in general, decreasing availability of state and federal funding for new below market rate housing, or lack of opportunity to implement the program.

Summary of Overall Accomplishments and Key Findings

The themes of the Larkspur General Plan are to:

- (1) Retain Larkspur's character including the historic downtown and the scale of residential neighborhoods;
- (2) Protect the quality of life, even giving it greater importance than the mobility of traffic;
- (3) Preserve and enhance open space.

Within this context, there are a number of guiding policies in the 1990 General Plan Housing Element to address housing issues and needs. A number of policies are related to affordable housing, including the creation of new affordable units and the preservation of existing affordable units. Specific policies and programs contained in the 1990 Housing Element are reviewed in Appendix B.

Larkspur's affordable units since 1988 have come from new development as a result of the Housing Element's inclusionary policies. The units are in three projects: Cape Marin, Larkspur Courts Apartments and Edgewater Place. Some of the key housing policies contained in the current City policies are:

- (1) Require below market rate (BMR) housing in projects having 10 or more units.
- (2) Control the conversion of apartments to condominiums and prohibit the conversion when the vacancy rate is less than 5 %.
- (3) Support development and retention of housing meeting the needs of all segments of society (families, elderly, disabled, low and moderate income, city employees, homeless, etc.)
- (4) Support the development of second units.

- (5) Retain existing residential units in commercial areas and support new mixed-use developments.
- (6) Maintain neighborhood scale through the enforcement of the floor area ratio standards on remodels and new construction.
- (7) Retain existing mobile home parks.
- (8) Support actions that balance employment generation and housing development.

An important aspect of successful Housing Elements is the willingness on the part of local government to take on a more proactive role in implementing housing programs. Actions that the City of Larkspur can take to provide sufficient sites with potential for meeting the City’s housing needs, especially for very low and low-income households, include General Plan amendments, rezoning, and zoning text amendments. In addition, the City can help to coordinate with non-profit housing sponsors and other agencies to build affordable housing.

The City’s Residential Second Unit standards are in Chapter 18.21 of the Zoning Ordinance. The City allows second units in the R-1 (single family), R-2 (duplex), and R-3 (multi-family) districts and as specified in the ordinances governing planned development-zoning districts. The second unit can be attached or detached and up to a maximum of 700 square feet provided it meets current zoning standards and, in addition to the parking requirements for the main dwelling, one additional parking space is provided for the second unit. The second dwelling unit ordinance allows the legalization of existing illegal units on the same basis as new units. Legalization could result in these second units being added to the known housing stock.

In general, the goals, policies, and programs in the 1990 Housing Element have provided a comprehensive set of actions to meet the City’s affordable housing needs and provide a diversity of housing types. The entire General Plan, including this revised Housing Element, reaffirms the following City’s goals by: (1) acting as a guide for municipal decisions which affect the quality and quantity of housing; (2) maintaining housing growth within limits of available services; and (3) maintaining Larkspur’s present quality of life by balancing the availability of housing with other environmental considerations.

The following specific changes are *recommended for consideration* based on a review of the current Housing Element:

- (1) Expand “in-lieu” fees to include small new housing developments of five to nine units, exclusive of second units.
- (2) Revise the City’s inclusionary housing policy, and adopt an implementing ordinance, to require any housing developments, regardless of density, of five to fourteen units to provide fifteen percent of the units as affordable units and developments of 15 or more units to provide twenty percent of the units as affordable. Further, include a policy to

provide incentives and allow alternative methods of meeting the intent of the inclusionary requirement. The current policy requires only ten percent of the units be affordable if the density of the project is less than seven units per acre and fifteen percent for projects at densities of seven or more units per acre.

- (3) Strengthen the City's Residential Second Unit program as a viable way to provide smaller, affordable units by considering changing the requirement that to have a second unit, the parking must be brought up to current standards for the main unit and to allow for a higher building height limit for second units built over parking garages.
- (4) Provide flexibility in applying development standards for housing that helps to address the City's needs (especially housing for seniors and very low and low-income housing) based on housing type, size, location and occupants. Examples include flexibility in establishing standards for smaller units and senior housing, and/or reduction in required parking.
- (5) Development and adoption of a live/work overlay district or revisions to the LI, Light Industrial and the PD District on the south side of E. Sir Francis Drake Blvd. to allow for live/work units.
- (6) Increase the capabilities of City staff by supporting the creation of a Housing Assistance Team (HAT), coordinated by the Marin County Affordable Housing Strategist, that would be available to assist the staff in implementing Housing Element programs, maintaining Housing Element certification and providing technical assistance on housing matters.
- (7) Seek increased opportunities for mixed use and transit-oriented housing by investigating the feasibility of allowing, through amendments to PD, Planned District, zoning districts and the General Plan Circulation Element (i.e., circulation assessment permit policies), the addition of residential uses to existing shopping centers, such as the Larkspur Landing and Bon Air Shopping Centers. Also, to increase the number of units likely to be added within the C-1 and C-2 Districts, consider allowing for a height limit bonus and flexibility in applying development standards (FAR, lot coverage) for the construction of affordable housing units above commercial.
- (8) Establish a City Affordable Housing Fund to be able to respond to opportunities when they become available.
- (9) Investigate the use of an Affordable Housing Fund and identify other funding mechanisms for purposes of converting existing market-rate units to affordable housing.
- (10) Continue to participate in countywide housing activities and coordination with other jurisdictions and special districts.

Available Land and Ability to Meet the ABAG Needs

In response to State Housing Element law, the City is required to provide an inventory of known sites available for housing development as well as vacant and/or underdeveloped sites that can accommodate Larkspur’s housing development needs determined by ABAG between January, 1999 and June, 2006. Multiple family housing at higher densities, especially in coordination with a non-profit housing sponsor, can provide opportunities for workforce and special needs affordable housing to be built. One incentive that can be offered to encourage affordable housing is to allow those developments that meet affordability criteria to develop their projects at higher densities. This allows cost items such as land, site design and long-term management and maintenance costs to be shared across a larger number of units, thereby bringing down the per-unit cost, and making it easier to achieve affordability goals. Projects, which receive such density “bonuses”, must guarantee units at below market rate prices for a specified period of time.

There are few properties in Larkspur that are planned and zoned for multiple family housing because there are few remaining properties where the topography is suitable for high-density development. Table 17 includes the ABAG’s Regional Housing Need Determination for the City and the number of housing developments built or approved in Larkspur from 1999 through August 2003. It also shows the total projected number of units during the timeframe of this Housing Element compared to the ABAG Regional Housing Needs Determinations for the 1999-2006 time period. Table 17-A, below, summarizes the City’s housing objectives for new construction and rehabilitation of existing housing by income category. Due to the young age of the City’s multi-family affordable housing stock, most of the rehabilitation of existing housing is due to market conditions and private financing of single family homes.

Table 17-A: Housing Objectives for New Construction and Rehabilitation By Income Category

	Very Low Income	Low Income	Moderate Income	Subtotal Affordable Units	Above Moderate Income	Total
New Construction	59	45	75	179	236	415
Rehabilitation	5	2	8	15	67	82
Conservation (Section 8)	43	2	0	45	0	45
Total	107	49	83	239	303	542

Source: Larkspur Planning Department; Marin County Housing Authority, Marin Housing

Table 17 reflects those units that can realistically occur within the 1999-2006 time period. The City, however, has identified at least one additional site and a possible program that could possibly meet future needs, just not within the current time frame provided. For example, there are lands owned by the College of Marin and located in the City of Larkspur, which potentially could be used for housing to serve employees or students of the College. The land, however, is designated in the Larkspur General Plan as Environmental Conservation and studies, including environmental reviews, would need to be done to determine how much of the area could be used for development. Additionally, the City is investigating alternative financing mechanisms, and

opportunities, for the purchase of existing market rate units for conversion to affordable housing.

The City’s policy approach for achieving adequate sites, as expressed in the Housing Element, has several components:

- (1) Look to new second units and small mixed use housing as potential sources of housing;
- (2) Identify “potential housing sites” which offer opportunities for higher density housing to be built in the near-term;
- (3) Where possible, modify development standards, such as those for second units and for mixed use housing, to create incentives for this type of development to happen;
- (4) Provide flexibility in how development standards, funding incentives and other incentives are applied for the desired development to occur;
- (5) Continue to facilitate the processing of current residential project applications (e.g., Monahan/EAH and Sanitary District) and projects (e.g., Central Larkspur Specific Plan).

It is important that high potential housing sites be located near transit, shopping, services and the freeway where people can have easy access to nearby amenities. Increased activity in appropriate locations creates a vibrancy and vitality in these areas. Generally, there is higher intensity of activities around the business centers of the City and lower intensity of land use farther away. For example, the Larkspur Downtown Specific Plan and the Central Larkspur Area Specific Plan (CLASP) focus in more detail on potential mixed-use developments and redevelopment opportunities close to shopping and transit in downtown.

Multifamily and Mixed Use Housing Sites

Several sites have been identified in the Housing Element as having the potential to attain planning approvals for a significant number of affordable housing units in the near term (See Table 17). This potential is based on previously built densities and existing development patterns, recent development trends, recent project approvals, the properties’ site characteristics and pending applications or discussions with applicants or property owners. The City has and will take actions to promote the development of affordable housing on these potential sites by the year 2006.

Table 17: Summary of Larkspur Housing Element Programs and Housing Needs (January 1999 to June 2006)

	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
Regional 'Fair Share' Housing Need	56	29	85	133	303
Housing Units Built or Approved ('99-'03)					
Casitas de Larkspur-Lower Via Casitas				6	6
Monahan/EAH	19	4	1	23	47
Blue Rock Inn (legalization of units)	7	4			11
Subtotal from Built or Approved	26	8	1	29	64
Remaining Need (2003-2006)	30	21	84	104	239
Miscellaneous Housing Sites					
New Second Units	2		4		6
Small (Infill) Mixed Use Housing					
Downtown Area-Vacant Properties	3		5		8
Downtown Area-Above Ex. Commercial	3		3		6
North End Magnolia	2		4		6
North of Corte Madera Creek 1,2,3	8	5	13	26	52
Subtotal from Misc. Housing Programs	18	5	29	26	78
Remaining Need (2003-2006)	12	16	55	78	161
Specific Project Sites					
CLASP* (Central Larkspur Specific Plan)	15	16	28	54	113
1a, 2, 3, 4a, 5					
Sanitary District Property** 1a, 4a, 5		12	12	96	120
Tiscornia Winery** 1, 4, 5		2	3	18	23
McLaren Property** 1, 2, 3, 5		2	2	13	17
Subtotal from Specific Project Sites	15	32	45	181	273
Total Units	59	45	75	236	415
Remaining Need (2002-2006)	+3	+16	-10	+103	+112

1 = Environmental Review required (Neg Dec or EIR)

1a = Environmental Review underway

2 = General Plan Amendment required

3 = Rezoning required

4 = Specific Plan or Master Plan required

4a = Specific Plan or Master Plan underway

5 = Final unit numbers subject to completion of Environmental Review

*CLASP does not include full buildout of Plan Area [132 units] which is expected to extend beyond 2006.

**More than 15 units, 20% affordable

HOUSING UNITS BUILT OR APPROVED

Casitas de Larkspur –220/244 Lower Via Casitas

(APN 22-153-01 and 22-153-03)

Ownership: Buckeye Homes LLC

Area Size: 33,444 sq.ft. (approx. 0.77 acre)

General Plan: High Density Residential (up to 21 du/ac)

Zoning: R-3, Residential Third, District

Existing Uses: Vacant

Topography and Environmental Constraints: steep slope; heritage trees

Proposed Units: 6 units; (density consistent with zoning, the surrounding area, and site topography)

Actions Required: Special Use Permit, Floor Area Ratio Exception, Circulation Assessment Permit, Design Review, Tentative Map, Final Map and building permits required.

Facilitating Actions Taken/Status: As of May, 2004, the project has received all of its planning required approvals. Final Map approval and building permits are required and dependent on the applicant's submittal of appropriate applications and plans.

Monahan/EAH-E. Sir Francis Drake and Larkspur Landing Circle

(APNs 18-191-19 and 18-191-41)

Ownership: Monahan Pacific

Area Size: EAH-2 acres buildable (8.1 acres); Monahan-4 acres buildable (10.2 acres)

General Plan: Low Density Residential (up to 5 du/ac)

Zoning: PD, Planned Development, District

Existing Uses: Vacant

Topography and Environmental Constraints: Steep slopes, traffic, heritage trees

Proposed Units: 24 affordable units (19 very-low income, 4 low-income, 1 moderate-income), 23 market rate units (density consistent with zoning, the surrounding area, and site topography)

Actions Required: Design Review, Preliminary and Precise Plans, Tentative Map, Final Map and building permits.

Facilitating Actions Taken/Status: As of May 2004, the EAH portion of the project (24 units) has received Design Review approval and approval of Preliminary & Precise Plans. Building permits are required and dependent on the applicant's submittal of appropriate application and plans. The land for the EAH project has been provided by Monahan and, to date, application and development fees for the project have either been paid by Monahan or waived by the City (e.g., Transportation Improvement Fee). The Monahan portion of the project (23 units) has received Design Review approval and approval of Preliminary and Precise Plans including a Vesting Tentative Map. Final Map and Phase I building permit applications have been submitted. Project under construction.

Blue Rock Inn (Legalization of Units)

Ownership: Jerome Bernal

Area Size: Approximately 9,000 sq.ft. (0.20 acre)

General Plan: Downtown

Zoning: Storefront Downtown-Heritage Preservation District Overlay; Located in the Larkspur Downtown Specific Plan Area

Existing Uses: Partially vacant building; residential units and restaurant in remainder of structure

Topography and Environmental Constraints: Structure with Historic Significance

Proposed Units: 11 affordable units (7 very-low and 4 low-income; based on unit size); (maximum number additional units that can be added within the existing structure)

Actions Required: Design Review for consistency with the Historic Preservation Overlay District; height variance also requested.

Facilitating Actions Taken/Status: As of May 2004, the Project has received Design Review approval and approval of the variance request. Project under construction.

MISCELLANEOUS HOUSING SITES

New Second Units

Ownership: Various
Area Size: Various
General Plan: Low Density Residential (up to 5du/ac)
Zoning: R-1, First Residential District
Existing Uses: Single Family Dwellings
Topography and Environmental Constraints: Various
Proposed Units: 6 affordable units (2 very-low and 4 moderate-income units)
Actions Required: Ministerial approvals

Facilitating Actions Taken/Status: Second Unit Ordinance revised consistent with State Law. To facilitate construction of second units, the Ordinance established a ministerial approval process for second units. It also opened up the opportunities for creating second units by allowing second units on legally created parcels that are less than the minimum lot size and by allowing detached second units, which were not previously permitted. Prior to the Ordinance, only one second unit had been approved in recent years. Since the adoption of the Ordinance, we have had several persons express an interest in creating second units.

Small (Infill) Lots and Mixed Use Housing

Downtown Area -Vacant Properties

Ownership: Various
Area Size: Two parcels= approx. 7,500 sq.ft.;
 One parcel=5,000 sq.ft.; and
 One parcel=4,300 sq.ft.
General Plan: Downtown
Zoning: Three parcels (2@ 7,500 sf and 1@ 4,300 sf)=Storefront
 Downtown/Historic Preservation Overlay District
 One parcel (5,000 sf) =Garden Downtown/Historic Preservation
 Overlay District;
 All four parcels located in the Larkspur Downtown Specific Plan
 Area

Existing Uses: Vacant lots or used for parking
Topography and Environmental Constraints: Intensity constrained by traffic on Magnolia; existing parking would have to be replaced

Potential Units: 8 units (3 very-low and 5 moderate-income units; units above commercial on each lot); (The proposed number of units is consistent with recent development trends and the existing pattern of development in the downtown in addition to the interest that has been shown in the Downtown area.)

Actions Required: Design Review to ensure consistency with Historic Preservation Overlay District.

Facilitating Actions Taken/Status: General Plan policies encourage residential above ground floor commercial. The Downtown District is on the National Register of Historic Places and design review is necessary to protect the historic character of the district; past development approvals have shown that it is not a detriment to development or the development of affordable units (e.g., Blue Rock project). City of Larkspur is investigating options for additional public parking that could provide an incentive for development of existing vacant lots. An updated Downtown parking study has been completed.

Downtown Area- Above Existing Commercial

Ownership: Various

Area Size: Various (Downtown parcels generally range in size from 3,375 sq.ft. to 7,500 sq.ft.)

General Plan: Downtown

Zoning: Storefront Downtown/Historic Preservation Overlay;
Located in the Larkspur Downtown Specific Plan Area

Existing Uses: Retail, Restaurant, Office, Vacant Space

Topography and Environmental Constraints: Existing historic structures; parking constraints

Potential Units: 6 units (3 very-low and 3 moderate-income units; above existing storefront commercial); (The proposed number of units is consistent with recent development trends and the existing pattern of development in the downtown in addition to the interest that has been shown.)

Facilitating Actions Taken/Status: Design Review is required to ensure development is consistent with National Register listing and the Historic Preservation Overlay District; General Plan policies encourage residential above ground floor commercial. As of May 2004, an application was recently filed for the construction of two affordable units over existing commercial. Other inquiries have been received by other interested property owners. City of Larkspur is investigating options for providing additional public parking that could provide an incentive for development over existing commercial uses. An updated parking study has been completed.

North End Magnolia Avenue

(APN – various)

Ownership: Various

Area Size: Various (North Magnolia parcels generally range in size from 6,000 sq.ft. to 19,000 sq.ft.)

General Plan: Restricted Commercial and Commercial

Zoning: C-1, Restricted Commercial, District (District size approx. 3.0 acres) and C-2, Commercial, District (District size approx. 2.6 acres)

Existing Uses: Retail Commercial, offices, storage, and residential

Topography and Environmental Constraints: parking constraints

Potential Units: 6+ units (2 very-low and 4 moderate income units; above storefront commercial); (The proposed number of units is consistent with recent development trends and with current interest that has been expressed.)

Actions Required: Zoning Text Change: Revise the C-1 and C-2 Districts to allow for second floor residential, and reduce the required parking for residential to one space/unit as provided for in the Downtown District; Design Review also required. The General Plan descriptions for the Restricted Commercial and Commercial designations include encouraging second-floor residential uses.

Facilitating Actions Taken/Status: Concurrent processing of the required Zoning Text Change and Circulation Assessment policies with the Housing Element update. As demonstrated by the Blue Rock Inn and the Monahan/EAH projects, design review has not been a detriment to development in the City, particularly not to the development of affordable housing.

North of Corte Madera Creek

Ownership: Various

General Plan: Commercial

Area Size: Variable; depends on design of structures and replacement parking; several existing parking areas located within the centers where the housing could be accommodated (parking areas are generally one acre in size; total estimated area would be about 2.25 acres)

Zoning: C-2, Commercial, District (Bon Air Shopping Center-total area: 20.5 acres) and P-D, Planned Development (Larkspur Landing Shopping Center-total area: 15.9 acres)

Existing Uses: Retail Commercial and offices

Topography and Environmental Constraints: parking and traffic constraints

Potential Units: 52 units (21 du/acre w/density bonus and the following percentages of affordable: 15% very-low; 10% low-income; 25% moderate income or 50% affordable senior housing—these percentages would allow for exemption from the CAP limit; 8 very-low, 5 low, 13 moderate income, and 26 above-moderate income units); assumed either portion of the units or all could be located either on the Bon Air Center site or the Larkspur Landing Shopping Center; both property owners have expressed an interest in mixed-use. The Planned Development zoning allows for exceptions to the standard zoning requirements, which can assist in facilitating the construction of affordable units.

Actions Required: General Plan Amendment, PD Amendments/Rezoning, Zoning Text Amendments; Design Review

Facilitating Actions Taken/Status: Concurrent processing of the required General Plan Amendment, Zoning Text Amendments, and Circulation Assessment policies with the Housing Element update. The City’s Circulation Assessment policies need to be amended to allow for an exception to the policy of “no greater than the average existing trip generation at the project site” for residential development projects providing certain percentages of affordable housing.

SPECIFIC PROJECT SITES

CLASP (Central Larkspur Area Specific Plan)

Magnolia Ave., Doherty Dr. & Ward St. (APN –multiple)

Ownership: Multiple

Area Size: Approx. 22 acres

General Plan: Downtown; Low Density Residential (up to 5 du/ac)

Zoning: Storefront Downtown w/Historic Overlay (2.46 acres); Transitional Downtown (2.77 acres); Light Industrial (16.8 acres)

Existing Uses: City park, City Parking Lot, American Legion Bldg., commercial, office, nursery, former nursery

Topography and Environmental Constraints: traffic, soil contamination, and archaeological site

Potential Units: 113 units (15% - 20%; 15 very-low income; 16 low income; 28 moderate income, 54 above-moderate income; numbers subject to change following completion of environmental review and public hearings on Specific Plan; does not include full buildout of Plan Area [132 units], as shown in the Draft Specific Plan, which is expected to extend beyond 2006)

Actions Required: Completion of EIR, General Plan Amendment, adoption of CLASP Specific Plan/Preliminary Plan (the adopted Specific Plan will essentially be the zoning for the CLASP area), and a Downtown Specific Plan Amendment; Site remediation, more extensive archaeological survey, Precise Development Plans and Design Review are also required.

Facilitating Actions Taken/Status: EIR substantially complete, i.e., the Response to Comments document is undergoing final revisions. GP Amendment required for park and circulation path

not for land use; EIR certification, GP Amendment, Specific Plan/Preliminary Plan Approval, and Downtown Specific Plan Amendment are being processed concurrently; public hearings are expected to occur in October 2004; remediation plan completed and subject to EIR certification (based on the remediation plan, the remediation will not impact the ability to develop the site for residential uses within the planning period); 16 acres of the CLASP area was formerly the site of a nursery that has been closed for a number of years; other acreage is currently underutilized; meetings have been held with option holder for nursery site to discuss next steps. To date, the City of Larkspur has funded the preparation of the Specific Plan/Preliminary Plan and the EIR.

Sanitary District Property-Larkspur Landing Circle

(APN 18-171-32)

Ownership: Sanitary District No. 1
Area Size: 10.67 acres
General Plan: Administrative and Professional Office; Medium Density Residential
Zoning: PD, Planned Development District
Existing Uses: Sanitary District Corporation Yard
Topography and Environmental Constraints: traffic on E. Sir Francis Drake
Proposed Units: 120 units (20% affordable-12 low-income, 12 moderate income, and 96 above moderate income); number subject to change following completion of environmental review and public hearings on Specific Plan
Actions Required: Completion of Environmental Review; General Plan Amendment (to allow up to 21 du/ac), Precise Plan, Design Review, Subdivision Map
Facilitating Actions Taken/Status: Project application submitted; environmental analysis underway; mitigated negative declaration likely. Environmental review, GP Amendment, Precise Plan, Design Review, and Subdivision Map are being processed concurrently.

Tiscornia Winery-Magnolia Ave.

(APN 20-160-5)

Ownership: Mary Tiscornia
Area Size: 23.1 acres
General Plan: Low Density Residential (up to 5 du/ac)
Zoning: RMP, Residential Master Plan, District
Existing Uses: historic buildings, vacant
Topography and Environmental Constraints: constrained site, steep slopes (30-60%), historic buildings, difficult access on/off Magnolia Ave.
Proposed Units: 23 units (20% affordable-2 low-income, 3 moderate income and 18 above-moderate income); number subject to change following completion of environmental review and public hearings on Specific Plan; density consistent with topography
Actions Required: Environmental Review, Residential Master Plan, Design Review, and Slope Use Permit, and possibly Subdivision Map
Facilitating Actions Taken/Status: Environmental review, Residential Master Plan, Design Review, and Subdivision Map could be processed concurrently. Property owner has met with City staff to discuss potential uses of the property including a mix of residential and commercial uses.

McLaren Property- Estelle Ave.

(APN 20-031-12, 13 and 14)

Ownership: Ralph and Deborah McLaren
Area Size: 1.46 acres

General Plan: Low Density Residential (up to 5 du/ac)
Zoning: R-1, Residential First, District
Existing Uses: Two historic homes, remainder vacant
Topography and Environmental Constraints: historic dwellings, access constrained
Proposed Units: 17 units (12 du/ac; 20% affordable-2 low-income, 2 moderate-income, 13 above moderate income); number subject to change following completion of environmental review and public hearings on Specific Plan; density consistent with surrounding area and with that proposed by the property owner who has expressed an interest in providing affordable housing. (NOTE: If other sites identified do not materialize, this site could possibly be considered for additional density.)
Actions Required: Environmental Review, General Plan Amendment (12 du/acre), Rezoning and Design Review.
Facilitating Actions Taken/Status: Environmental review, General Plan Amendment, Rezoning, Design Review, and Subdivision Map could be processed concurrently.

Potential Non-Governmental Constraints and Opportunities

State law requires an analysis of potential and actual governmental and non-governmental constraints to the maintenance, improvement, and development of housing for all income levels. The Housing Element must identify ways, if any, to reduce or overcome these constraints in order to meet the City’s housing needs.

Land Costs

The price of housing has risen since the late 1970’s at a much faster rate than household income. Contributing factors are the costs of land, materials, labor, financing, fees and associated development requirements, sales commissions, and profits. Another factor is the increasing perception of housing as a commodity for speculation. The typical cost to build an average quality wood frame single family detached home can range from \$200 to \$250 per square foot and more for custom-built homes. Construction costs for an average multiple family unit are generally about 20-25% less per square foot.

Development costs in Larkspur are higher than in comparable communities because most remaining lots have problems with steep slopes, irregular topography, access, or unstable soils. The technical and engineering costs of dealing with these factors on remaining sites are likely to be particularly high because those are the sites that have been skipped over in the past precisely because of the difficulty and high cost of development.

Vacant land within Larkspur is very limited. Costs for vacant land are roughly \$1,000,000 per acre. Since the demand for housing in the City is very high, the value of potential residential land is increasing and has become a substantial factor in the cost of providing housing. Major contributors to the cost of land are the amount of land available and the density of residential use allowed. In addition, cost is affected by other factors such as site location, attractiveness of the neighborhood, difficulty of construction, proximity to community services, and any restrictions on development. In response to high housing costs, lenders can provide first and second mortgages up to 97% of the value of the house.

Infrastructure Availability

Infrastructure, services and utility needs for future development are addressed through the development capacity established in the Larkspur General Plan. They do not represent a constraint to development as policies and programs are in place to assure that infrastructure and services will adequately serve new in-fill development. Sites closer to services and transit offer opportunities to provide in-fill housing with limited impacts on traffic conditions.

The Marin Municipal Water District (MMWD) is a special purpose district with the responsibility for providing water services throughout southern Marin County. The District obtains water from seven reservoirs on Mt. Tamalpais in West Marin and through the transfer of water from the Sonoma County Water Agency (SCWA). There have been restrictions placed on new water connections in the past. These restrictions were an interim constraint during drought conditions. Currently, there is no moratorium on new hook-ups.

MMWD plans for long-term supplies based on the buildout of the general plans of cities it serves. MMWD's operational yield (the amount of water that can be supplied in all but the driest years) is 29,500 acre-feet annually (afa), while the average annual use within the district is 28,622 afa (MMWD 2003). MMWD's current Water Supply Master Plan requires that the MMWD provide a minimum storage of 10,000 afa in local reservoirs to serve as an emergency reserve during drought years. However, in 2000 MMWD identified an annual deficit in water supplies of 1,650 afa. Without a new supply source, MMWD expects this annual shortfall to increase to 8,800 af by 2005.

According to the MMWD Urban Water Management Plan 2000, SCWA is projected not to be able to deliver above its current supply level until at least 2005. MMWD is exploring opportunities to partner with the Las Gallinas Valley Sanitary District for water recycling and exploring a new water supply source based on desalination of water from San Francisco Bay (MMWD 2003). To be eligible for water service, the residential structure to be served must be within 125 feet of a water main, either an existing main or an extension of the main. Otherwise, a variance to the standard must be obtained. It is noted that, Government Code Section 65589.7 requires that public and/or private water and wastewater providers, in their current and future resource or service allocations, give priority for service hook-ups to proposed housing development projects for lower-income households that meet the community's share of the regional need for lower-income housing.

Larkspur's wastewater collection is provided by Sanitary District #1, which serves the Ross Valley. Wastewater treatment is provided by Central Marin Sanitation Agency at the plant located on Anderson Drive in San Rafael. The Agency treats wastewater from Sanitary District #1, Corte Madera and the central San Rafael area. Sewer capacity is not a constraint to housing development in Larkspur.

Financing

Financing for above moderate or market rate housing is not restrained for those who can qualify. It is difficult, however, for first-time homebuyers without capital or equity to qualify for financing without incomes near \$100,000. For example, the income required for a \$400,000 mortgage at 7.5% is about \$100,000, which requires a monthly payment of about \$2,800.

Nationwide, there was a sharp drop in multifamily housing construction during the 1990's which contributed to low vacancy rates and rising rents. According to a study conducted by University of Southern California demographer and planner Dowell Myers, the reason for the drop was due to the loss of federal tax credits, local resistance to apartment construction, litigation and liability issues, and population changes. Until the 1990's single-family and multifamily permits were fairly evenly matched in California, but more recently multifamily has represented only 22 percent of the total. Rental construction has become increasingly costly due to the same factors as single family houses. For these reasons many developers prefer to use scarce land to build units for sale in order to realize an early profit and minimize risk. Units for sale are also easier to finance during construction.

Community Concerns

Potential opposition to affordable housing exists in many communities throughout the Bay Area. Design plays a critical role in creating new developments that blend into the existing neighborhood, especially in higher density developments that might otherwise seem out of place. Good design can help ensure that high-density developments are not bulky or out-of-scale. Through sensitive design, a building's perceived bulk can be significantly reduced to create a development that blends with the existing character of the neighborhood. Design strategies, which the City often requires of multi-family developments to minimize the perception of bulk and create a blending with the community, do not necessarily increase costs. These include:

- (1) Minimize building heights;
- (2) Break-up the building "mass" in its architecture and detailing (e.g., create several smaller buildings instead of one large building);
- (3) Vary the roofline;
- (4) Create a three-dimensional facade (rather than a massive, flat facade);
- (5) Step-back the building height, with the lowest part of the building towards the street and adjacent properties, locating the highest part of the building towards the center of the property;
- (6) Site the building appropriately in relation to surrounding buildings;
- (7) Use architectural design, landscaping, materials and colors that fit with the area;
- (8) Use landscaping to blend the buildings with the natural setting;
- (9) Provide for open space and pathways throughout the development.

The community has also expressed concerns about the contribution additional development, of any kind, will have on traffic congestion and its impact on the character of the community. These are very valid concerns. Therefore, it is important that housing not only be designed to fit into the character of the community but also be spread out throughout the community. For example, the housing need should be met by the

development of housing as mixed-use development on various existing commercial sites and not solely concentrated on the remaining vacant sites. In addition, for providing affordable housing beyond the current Housing Element period, the City should investigate the feasibility of, and opportunities for, purchasing existing units that could be made affordable.

Working with Non-Profit Housing Developers

The key to the success of non-profit developers lies in three areas:

- (1) In their ability to draw upon a diversity of funding sources and mechanisms to make their developments work financially;
- (2) In their commitment to working cooperatively and constructively with the local community, including local officials as well as neighborhood residents;
- (3) In their long-term commitment to ensuring excellence in design, construction and management of their developments, thereby creating assets that are valued by the people who live in the developments as well as their neighbors and others in the community.

The Nonprofit Housing Association of Northern California (NPH) serves as a local networking agency, advocacy group and resource organization for affordable housing developers in the Bay Area and elsewhere in California. Some of the affordable housing developers and housing services providers that have been active in Marin County in recent years include Ecumenical Association for Housing (EAH), North Bay Housing, Citizens Housing, and BRIDGE Housing Corporation.

Potential Governmental Constraints and Opportunities

Larkspur is approximately four square miles. This limited area with its varied topography provides limited opportunities for additional housing development. As with other cities, Larkspur's development standards and requirements are intended to protect the long-term health, safety, and welfare of the community. The City of Larkspur charges fees and has a number of procedures and regulations it requires any developer to follow.

Land Use Policies

There are many locally imposed land use and building requirements that can affect the type, appearance, and cost of housing built in Larkspur. The Larkspur General Plan establishes the locations where housing can be built and the density of units per acre. The Zoning Ordinance sets physical standards for development (e.g. lot size, setbacks, height limits, floor area ratio, parking requirements) and, when design review is required, it defines the issues to be addressed.

Land-use controls can be viewed as a constraint in that they determine the amount of land to be developed for housing and establish a limit on the number of units that can be built on a given site. The General Plan land use designation "Low Density" allows up to 5 dwelling units per acre. "Medium Density" allows up to 12 units per acre, and "High Density" allows up to 21 units per acre. Each of these densities can be increased by 25% for projects meeting the requirements for an affordable housing density bonus as provided for by State Law.

The commercial land use categories in the General Plan encourage the development of residential units above storefront commercial. The City’s C-1, Restricted Commercial, and C-2, Commercial, Zoning Districts, however, allow only for single family or multi-family development (multi-family is defined as 3 or more units). A text amendment to the Larkspur Zoning Ordinance is needed to allow one or two units to be constructed over storefront commercial as is currently allowed in the SD, Storefront Downtown, Zoning District.

Policy c of the Circulation Element of the Larkspur General Plan states that “Except for single-family homes and vacant properties, proposed changes in existing use shall not add traffic to Sir Francis Drake Boulevard.” The Policy needs to be reviewed to allow for the potential development of affordable housing units on existing commercial sites north of Corte Madera Creek, as mixed-use projects, particularly for senior housing.

Zoning and Development Standards (Including Permit Processing)

Zoning. Larkspur has traditionally encouraged high architectural standards for new development. Current City zoning regulations require Design Review approval for development or remodeling of planned developments and multi-family developments and to ensure consistency with the City’s Historic Preservation Overlay Districts. Most of the remaining developable sites have significant design or environmental constraints, which require extensive review and analysis by the City (e.g., slope density permits). All City building requirements are consistent with the Uniform Building Code.

Land-use controls can be viewed as a constraint in that they determine the amount of land to be developed for housing and establish a limit on the number of units that can be built on a given site. General Plan and Zoning Ordinance Amendments are proposed as part of this Housing Element to provide additional sites for multiple family housing, and to allow increased densities to make affordable housing feasible. Table 18 shows current residential zoning standards.

Table 18: Summary of City of Larkspur Zoning Standards

Zone	Lot Area	Width	Lot	Setbacks (ft)			Bldg	Density	Parking	
	Req. (sf)			(ft)	Coverage	Front				Side
R-1	7,500	60	40%	20	6	15	30	5.8	4 (one covered)	
R-2	s.f.=7,500	60	50%	20	6	15	35	5.8 to	4 (one covered)	
	2 units= 8,000									10.9
R-3	s.f.=7,500	60	50%	15	6	15	35	5.8 to	4 (one covered)	
	2 units= 8,000									21.8
	3 or more= 2,000/unit									50

Note: The City of Larkspur has a number of areas within the City zoned as Planned Development or Residential Master Plan Districts in which the zoning standards can be modified by the Planning Commission and City Council based on the merits of a particular development.

Source: City of Larkspur Zoning Ordinance

Government policies and procedures affect the supply and cost of housing. Land use controls, such as zoning, have the greatest direct impact; but development approval procedures, permit fees and building codes affect housing costs as well. Larkspur has permitted more multifamily housing development than any other community in southern Marin County. Multifamily development will continue in areas with immediate access to major roads and commercial areas; however, much of the remaining residentially zoned land will be limited to single-family housing due to the physical constraints of the property (e.g., access problems, visual prominence, heritage trees, steep slopes and geological problems).

Larkspur encourages developers to submit proposals reflecting high architectural standards and the design review process has helped to assure quality development within the city. Sometimes, however, high design standards increase construction costs and may conflict with the economics of low- and moderate-income housing development.

An additional factor increasing building costs and limiting densities has been the city's parking requirements. Two parking spaces plus two guest spaces must accompany single-family units on site. The parking ratios for multifamily developments are less, however, and vary according to the number of bedrooms per unit and whether the units are rentals or condominiums. A condominium project of 20 two-bedroom units, for example, must provide 47 parking spaces. These standards may need reexamination to allow for reductions in parking for affordable housing projects or units located close to public transit.

The City enforces energy conservation standards enacted by the State. The standards may increase initial construction costs, but over time will result in energy savings.

Through the City's code provisions for Planned Development and Residential Master Plan Districts, the City is open to investigating ways to reasonably apply open space requirements and to allow for flexibility in applying other development standards, such as FAR, height limits, density, parking, etc., based on the location and design of the development, compatibility with adjacent uses, and the type, size, and income levels of the occupants of the housing. In this regard, it is recognized that smaller, more affordable housing near transit and services will generate fewer trips, lesser area-wide impacts and will require less parking.

Development Standards. In addition to zoning and subdivision regulations and the policies of the City's General Plan and Specific Plans, the City has development standards (a.k.a. design and improvement standards) for subdivisions that are outlined in an Interim Design and Improvement Standard Resolution dated December 1977. Currently, the City is in the process of updating its development standards and is relying on adopted ordinances from Marin County and the City of Novato in the update process.

A comparison of the City's current standards with other cities indicate that the City's existing standards are not significantly different from other jurisdictions in Marin County (i.e., the recent Monahan Drake's Cove subdivision was approved with 30' roadway right-of-ways). Likewise, curbing, sidewalks, street widths, and utility standards are also similar or not significantly different.

In that the City is relying on ordinances from other Marin County cities it is unlikely that the resulting updated standards will differ significantly from the other jurisdictions. The development standard update process includes an analysis of whether there are any standards that could be modified to facilitate the development and improvement of affordable housing (e.g., allowing the integration of curbs and sidewalks to reduce costs). It is important to note, however, that there are few remaining sites in Larkspur, where development has not already been approved, which would require significant subdivision improvements. The street widths, sidewalk, and utility standards are already established, and in most cases already in place, for infill parcels.

Dedications and Fees

The cost of building permits and payment of impact fees can act as a constraint to the development of affordable housing. Portions of building permit costs are intended to provide cost recovery to the City for plan checking and building inspections. However, according to the 2001 Marin County Grand Jury Report, Larkspur's building permit fees were only recovering 60 percent of the cost to provide the service. Since then Larkspur has raised its fees by about 10 percent and is contemplating at least another 10 percent adjustment in the near future. Therefore, while building permit cost are a financial factor to be considered in the development of housing, for the foreseeable future, the fees will be less than the cost of providing the service and less expensive than other jurisdictions. Table 19 outlines the City of Larkspur's residential Planning and Building permit fee schedule (as of 7/27/04).

When development projects reach certain levels of increased traffic generation in the peak commute hour, they are required to pay traffic impact fees. The fees are used to make improvements to the primary circulation routes of the City to facilitate the increase in traffic. Section 18.15.040 of the zoning code specifically exempts development of low and moderate income housing units, second dwelling units and single family residences constructed on lots in existence prior to 1986 from payment of the fees. Other market rate residential projects are required to pay \$3399.00 per vehicle trip generated in the p.m. peak hour beyond the traffic generated by the prior use of the property.

The City has also enacted a Street and Roadway Impact Fee to provide for the repair and maintenance of streets and roads damaged by construction activity. This fee is 0.0075 percent of a building permit's valuation, except that, upon written request, the City Council may waive the fee if the project is directly related to the construction of affordable housing units (Resolution 11/03).

Park dedication or payment of in-lieu fees for the development of housing is required to mitigate the recreational demand created by additional city population. Section 17.13.150

of the Municipal Code allows the City Council to waive payment of the fees upon making the finding that the housing is affordable housing as defined in the Housing Element. Likewise, it has been the practice of the City Council to waive the in-lieu fee. Development of market rate residential units are required to pay in-lieu fees based on the building type ranging from \$5,677 per detached single family residence to \$3,429 per multi-family unit (e.g. apartment).

Table 19: Planning and Building Permit Fee Schedule (7/21/04)

Planning	
Planning Applications (e.g., General Plan Amendment, rezones, Variances, Design Review, etc.)	\$800 to \$1,200 Deposits depending on type of application. When more than one application is required, the application deposit that is greatest is required plus an additional \$500 deposit. *
Slope Use Permit	\$1,500 Deposit
	*City Council may waive or defer fees for projects targeted to lower income individuals when needed to ensure project feasibility.
Building	
Permit Fee	Based on project cost (e.g., 4-plex w/valuation of \$2,000,000 = \$9,795.25; Detached Single Family Unit w/valuation of \$750,000 = \$5,945
Plan Check Fee	65% of the Permit Fee
Electrical	\$48
Plumbing	\$48
Mechanical	\$48
Ordinance 428	\$25/bedroom; \$75/master bedroom
Energy Insulation	\$0.10/sq.ft. + \$5.00
SMIP (Seismic)	\$0.10 for every \$1,000 of work
Plan Retention	\$2.00/sheet, \$5.00 minimum
Planning Review	Planners hourly rate x time spent
Engineer Review	Engineers hourly rate x time spent
Outside Plan Check	Consultant’s cost to review plans
Business License fee	\$0.50 for every \$1,000 of work
Street and Road Impact Fee	.0075 x job valuation (for any valuation \$10,000 or over)
Traffic Impact Fee	Required for development of vacant lots and new subdivisions: \$3399.00 per vehicle trip generated in the p.m
Park In Lieu Fees	Required for lots vacant for 5 years and new subdivisions: \$5,677 per detached single family unit \$3,429 per multi-family unit
Source: City of Larkspur Planning/Building Departments	

The City of Larkspur's fees are not a significant constraint to the development of residential and affordable housing for several reasons:

1. Most planning fees are limited to time and materials consistent with State law and are comparable to fees charged by other cities in Marin.
2. Fees are fairly standard and are not unduly burdensome or considered to be an impediment to development.
3. Impact fees are the minimal necessary to support the infrastructure to serve the new homes.
4. By ordinance, the City can, and has, reduce(d) planning and building permit fees for affordable units.

Sewer and water hook-up fees can add significant costs to residential development and may present a barrier to the development of affordable housing. The City could consider a program to work with the sanitary and water districts to reduce or waive fees for affordable units and second units, thereby encouraging and facilitating the development of these types of housing units.

Children in Larkspur attend schools in three school districts: Larkspur, San Rafael, and Kentfield School Districts. Each district charges school impact fees on residential development on a per square foot basis. The rates are \$1.93 per square foot for Larkspur, \$2.05 for San Rafael, and \$2.14 for Kentfield School District.

Permit Processing and Environmental Review

Costs associated with the time it takes to obtain planning permits for development can be significant. These costs are highly variable and are related to developer overhead, financing, and start-up costs, as well as the length of the permit-processing period. It has been estimated, however, that, on average, each year of processing raises construction costs an additional 18 percent.

The cost to process planning permits for development is based on time and materials. But, Program H7.1, states: "Consider waiving or deferring development fees for housing projects targeted to lower-income households when needed to ensure project feasibility." It has also been the Council's practice to waive planning processing costs incurred through staff. However, the fees charged by outside consultants hired by the City to work on the project cannot be absorbed by the City and are the financial responsibility of the applicant. Frequently, for large or complicated development projects, a planning consultant is hired to process the application because a consultant can devote concentrated time to the application and expedite the processing. It is, and continues to be, the policy of the City (Policy 2.4 of the 1990 Housing Element; Policy H7.6 and Program H7.H of this revised Element) to "provide priority processing for all development applications that provide more low-and moderate-income units than are required by the city's inclusionary policy to reduce the required processing time." So, to the extent that an application can be processed quickly, the cost of the consultant is partially offset in saved time.

A development application for a single-family house generally takes less time to review than an application for a multifamily development. Currently, when a proposed single-family residence is not subject to special environmental constraints and is in conformity with zoning, then no planning permits are required and it is possible to process the required building permits in one month. The City, however, is in the process of adopting design review requirements for single-family residences due to a concern about the construction of “monster” homes on infill lots and the potential loss of existing smaller homes.

Multifamily development proposals are subject to design review. In practice, the design review of a project by the Planning Commission has not added processing time to an application, since most multifamily development proposals require Planning Commission approval of a slope use permit, circulation assessment permit or tentative map due to the site location or the applicant’s wish to subdivide or build condominiums. Discretionary permits are always processed concurrently. Further, though design review is subjective to some extent, the policy of the City Council and Planning Commission has been to focus on concerns with bulk and mass and how the architecture accentuates or minimizes these components rather than the specific details of the design. The City’s design review criteria, as outlined in the Zoning Ordinance, are typical and straightforward. They include the following: 1) the need for the design to be done by a person who under the building code is designated as legally competent to submit the project application, 2) the preservation of the natural landscape, particularly the preservation of heritage trees, 3) the relationship between structures within the development and with the neighborhood and other surrounding development, 4) the materials and colors used for siding, glazing, roofs, and concrete surfaces (what is acceptable is clearly explained in the ordinance), 5) walls, fences or screening, 6) design of drives, parking and circulation, 7) garbage and refuse collections areas, 8) signs, 9) exterior lighting sources, 10) landscaping, and 11) construction impacts. The findings for slope use permits focus on impacts on views and environmental characteristics of the site (e.g., geological features, drainage ways, etc.), construction management measures, best engineering practices, fire safety measures, health, safety, and welfare of persons residing or working in the neighborhood, and General Plan consistency. Findings for Circulation Assessment Permits focus on consistency with the General Plan and any applicable Specific Plan, peak hour trip generation and impacts on intersections and roadway segments relative to the General Plan standards, provisions for specific transportation system improvements that may be required, payment of applicable traffic impact fees, and the public benefit of the project.

As evidenced by the past approvals of affordable housing projects and projects with an affordable housing component, e.g., Edgewater Place, Cape Marin, and the Monahan/EAH project, the City’s criteria and design review process has not been detrimental to the construction of affordable housing. It is also noted, that in recent years the non-profit housing organizations have recognized the need for designs that are compatible with the community and the aesthetic quality of their projects further facilitate the design review process.

Many major projects also require environmental reviews (either negative declarations or environmental impact reports), public hearings and extensive local review. The total length of time from the initial developer contact with local officials to final map and approval can exceed two years. The processing time is often dependent on the applicant submitting a complete application and the degree to which the applicant makes changes to the proposal as it proceeds through the process. Multifamily development proposals proposed on non-environmentally sensitive land and in a multi-family zone can be acted upon within 60 days of a complete application submittal. However, except for the Sanitary District Property and the Central Larkspur Specific Plan area for which preliminary development plans are currently being processed, there is very little vacant residential land remaining that is not environmentally sensitive. This is indicative of the fact that the City is close to buildout.

By encouraging developers to meet with neighborhood residents and allowing the combined processing of certain applications, the City has taken actions to reduce processing time and potential delay for residential projects. However, much of the remaining developable land in the City has significant environmental and land development constraints, such as access problems, visual prominence, steep slopes and geological problems, which require extensive review and analysis of proposed projects to assure appropriate site planning and design.

The City of Larkspur follows the procedures set forth in the California Environmental Quality Act (CEQA) and Guidelines and processing time for multi-family projects is dependent on whether an Environmental Impact Report (EIR) is required. Barring significant environmental constraints, CEQA Section 15332 (“Infill Development Projects”) allows the City to categorically exempt from CEQA review infill development consistent with the Larkspur General Plan and Zoning requirements.

Environmental review for projects, which are not categorically exempt and have no significant impacts or which mitigate impacts to less than significance, normally takes less than 60 days to accomplish, and is required by law to be completed in no more than 105 days from the time a completed application is submitted. If the development 1) has potential environmental impacts which are not determined to be mitigated to less than significant levels, or 2) requires further study to determine the significant impacts, appropriate mitigations and/or project alternatives, processing time may take longer depending on the complexity of the project and the scope of impacts, mitigations, and alternatives to be analyzed. State law requires that all development projects, not requiring legislative actions, be approved within six months from the date a completed application is submitted if a negative declaration is prepared and processed. Environmental review and action on a project must occur within one year if the project has significant impacts and an environmental impact report is prepared.

However, the City, whenever possible, has taken steps to reduce the processing time on housing developments relative to environmental review. For example, the City was able to issue a Mitigated Negative Declaration for the 47 unit Monahan/EAH project which includes 24 affordable units, more than 50% of the development. Also, the City has

begun preparing an expanded initial study for the Sanitary District Project while the applicants are working on completing the portions of their application that do not affect the environmental analysis. Most remaining residential sites in Larkspur, however, are on heavily vegetated steep slopes that are more expensive to develop due to geotechnical and access problems. Further, environmental protection requirements, including protection of endangered species, may make it such that CEQA Section 15332 does not apply and additional time and cost is necessary to process development permits including evaluating the effects of the project and identifying appropriate measures to mitigate adverse impacts.

Another step the City takes in facilitating the processing of applications is to encourage pre-application consultations with City staff. The purpose of the consultations is to help the applicants understand the City's development codes and regulations and issues that may arise from community concerns. Applicants are also encouraged to meet early on community groups and neighbors to the proposed project as well as with any responsible or potentially interested agencies. The City also has an internal Development Review Committee comprised of planning staff and representatives from Public Works, Building, Fire Department, and Customer Service staff. The Committee meets weekly to review and discuss recently submitted applications and applications in process, as needed.

Ultimately, though, time requirements for review of the merits of a project are contingent on project complexity, its environmental impacts, and the adequacy of the application submittal. A single-family residence requiring Planning Commission approval, such as design review, can be processed within 60 days or less of the submittal of a complete application and building permit processing times are usually between one and three weeks after Planning Commission approval and a complete building permit application has been submitted. The processing time is the same for other types of small multi-family complexes or mixed-use developments (e.g., small downtown commercial projects) that do not require preparation of a negative declaration or an environmental impact report and are consistent with the historic character of the site or area, if applicable.

Larger development projects in a Planned Development District begin with submittal of a Preliminary Development Plan that consists of written and graphic materials describing a general development scheme and the parameters of development. The Planned Development District allows flexibility in determining building placement, height, bulk, and mass that will be most suitable for the site. The findings required by the Planned Development District ensure consistency between the project and the goals and policies of the City's General Plan and any applicable specific plans. Generally, unless the project is significantly complex, Planning Commission hearings are held within 30 days of when the environmental review is complete. Final action is then taken by the City Council and this can occur within 30 days of when the Commission has completed their hearing.

Subsequent to obtaining City Council approval of the Preliminary Development Plan, submittal and approval of a Precise Development Plan by the City Council is required

based on the recommendations of the Planning Commission. The Precise Development Plan is more detailed than the Preliminary Plan, but must be consistent with the development scheme of the approved Preliminary Plan. Final action on Precise Development Plans is usually takes 45 to 60 days after the application is determined to be complete. The subdivision of property also requires submittal and approval of a Tentative and Final Map. Tentative Maps are often submitted and processed concurrently with the Precise Development Plan. Action on a Final Map is generally taken after the conditions of the Tentative Map have been met. After obtaining approval of the Precise Development Plan and the Final Map, the applicant normally applies for building permits. Future development of individual lots within the Precise Development Plan area generally require only building permits if the development is consistent with the approved plan.

Part of the constraint to being proactive in regard to housing is the availability of City staff to implement housing programs. To address this issue, the *Marin Housing Workbook* recommends the creation of a Housing Assistance Team (HAT), coordinated by the Marin County Affordable Housing Strategist, that would be available to assist the staff in all jurisdictions. Possible tasks include: (1) assistance to Larkspur City staff in Implementing Housing Element programs; (2) assistance and support in maintaining Housing Element certification; and (3) technical assistance on housing matters. This is a program the City would like to investigate further.

Building Codes and Enforcement

The City of Larkspur adopts the Uniform Building Code and subsidiary codes that set minimum standards for building construction. The standards may add material and labors costs but are the industry standard and considered to be the minimum necessary for the safety of those occupying the structure. The City has amended specific provisions contained in the Uniform Codes which can impose additional costs on residential development, particularly in High Hazard Fire Zones: 1) Achievement of Class A roofing standards and fire sprinklers are required for all structures in excess of 120 square feet that are located within a High Hazard Fire; and 2) plastic pipe is not permitted in any structure exceeding two stories in height. The City also uses the State Historic Building Code, as may be appropriate, to facilitate preservation, rehabilitation, and restoration of historic structures.

The City also enforces provisions of the California Building Code (Title 24), specifically those related to energy conservation and efficiency. While these requirements have tended to be strengthened over time, resulting in increased construction costs, greater energy efficiency results in lower operating costs for residents.

The City's code enforcement program is complaint-driven. Enforcement of building and zoning codes is done by the Building and Code Enforcement Officer with assistance from Planning staff. Most complaints are resolved voluntarily through corrective action by property owners, although some require additional actions through hearings and assessment by fines. In instances where work is done without permits, double-fee penalties are assessed and the work must meet current code standards.

Potential Constraints on Housing for Persons with Disabilities

The City has not identified any specific constraints within the zoning or building codes relative to the development, maintenance, and improvement of housing for persons with disabilities. Consistent with Senate Bill 520 enacted in January 1, 2002, however, the City will continue to evaluate its zoning ordinance and other policies to identify and eliminate potential barriers to the construction of housing for people with disabilities, handicapped dwelling conversions (or adaptability), and appropriate site design.

The most likely types of constraints that would occur would be relative to the placement of access ramps or other structures designed for access into a designated setback area or exceeding the height limit for an elevator shaft or related mechanical equipment. These types of issues are partially addressed through the listed exceptions for structures that can extend into the setback areas and the types of structures that exceed the height limit. The exceptions to the setbacks do not specifically list wheelchair ramps but a ramp would be similar to a landing place and outside stairway, which are listed as exceptions. Elevator shafts are specifically listed as exempt from the height limit as long as they are minimum necessary for the normal function of the elevator. With respect to parking standards, all new development is expected to meet the City's standards; however, when existing parking areas are upgraded and are modified to provide handicapped parking, the City recognizes that a space or spaces may be eliminated to accommodate the handicapped parking and allows for this to occur. The City also has a variance process, which a person can apply for to seek relief from the zoning regulations if necessary. Further, the Larkspur Zoning Ordinance has previously been updated to define "family" within the context of Fair Housing laws and to allow for group homes as a permitted use in each of the residential districts as well as in the downtown and general commercial districts.

The Ordinance does not restrict the number of persons living in a group home for the handicapped, but limits other group homes to six clients or less. Except for this limit on group homes for the non-handicapped, there are no particular conditions or use restrictions for group homes, including those that provide services on-site, and the City does not regulate the siting of special need housing in relationship to one another. With a ministerial approval, the City's Zoning Ordinance permits group homes for the handicapped (no limit on number of persons) and group homes for the non-handicapped (up to six persons) in all of the residential zoning districts (R-1, R-2, R-3 and MHP-Mobile Home Park) and the General Commercial District (C-2). Residential care homes are conditionally permitted in the Administrative and Professional District (A-P). In June of 2003, the City approved a conditional use permit for a property in the A-P District for the creation of a 40-bed residential care facility, including space for infants and children, to meet the needs of individual women in receiving integrated recovery assistance.

Although, these methods of addressing the accommodation needs of persons with disabilities have been adequate so far, the City recognizes the need for a formal procedure or policy of handling requests for reasonable accommodations that require exceptions to the zoning and building codes. A program to address this need has been included in the implementing programs of this Element.

Second Units

A second dwelling unit is a small unit, attached or detached to the main house, which provides complete independent living facilities for one or more persons. Consistent with State law, the City's Residential Second Dwelling Unit ordinance establishes the physical standards that the unit must meet. Second units have the following benefits:

- (1) They provide flexibility for the owner of the main home (they can be an apartment for elderly parents or other family member, or a source of income);
- (2) When rented they help make home-ownership affordable for the owner of the home;
- (3) They can provide flexibility for seniors or other homeowners who rent their primary dwelling because they still want to live in the same neighborhood;
- (4) They provide lower cost housing because the units tend to be small and there are no extra land costs (surveys show that no rent is collected for half of the units);
- (5) To fit in to existing neighborhoods the units are small, limited to no more than 700 square feet, and are part of the main house.

Opportunities for Energy Conservation

Housing Elements are required to identify opportunities for energy conservation. Since the deregulation of energy companies in 1998, the price of energy has skyrocketed. With such an increase in prices, energy costs can be a substantial portion of housing costs. Effective energy conservation measures built into or added to existing housing can help residents manage their housing costs over time and keep lower income households operating costs affordable. There are a number of programs offered locally, through the local energy provider (PG&E) and through the State of California, that provide cost-effective energy saving programs. State budget cuts could negatively effect some of these programs.

The California Human Development Corporation runs a "weatherization" program for low-income households and additional programs may be forthcoming with recent increases in energy costs. The City has made information regarding energy conservation available to the public. There are several significant other areas in which the City of Larkspur is encouraging energy conservation in new and existing housing:

- (1) Through application of State residential building standards that establish energy performance criteria for new residential buildings (Title 24 of the California Administrative Code).
- (2) Through appropriate land use policies and development standards that reduce energy consumption, such as promoting more compact, walkable developments and housing close to transit, jobs, community facilities and shopping; encouraging in-fill development; planning and zoning for multi-use and higher density development; permitting common walls and cluster development; and promoting passive and active solar design elements and systems in new and rehabilitated housing.

Energy conservation programs are also operated by private utilities and State and Federal agencies. For example, State and federal appliance standards now require manufacturers to produce and sell appliances according to specified energy-consumption performance criteria, and the Energy Crisis Intervention Program, funded by the State Department of Economic Opportunity, helps low income residents pay delinquent energy bills to avoid interruption of service.

PG&E also sponsors programs such as the Project Help/Direct Weatherization program that provides free attic insulation, weather stripping and caulking, water heater blankets and low flow shower heads for low income households. The PG&E “walk-through audit” provides a comprehensive assessment of energy conservation needs and costs related to home appliances, structural design and insulation. Through these and other conservation measures the City seeks to help minimize the percentage of household income that must be dedicated to energy costs as well as minimize the use of nonrenewable resources.