



**Date:** March 10, 2016  
**To:** Mayor and City Council  
**From:** Mercy G. Cabral, Deputy City Clerk  
**Subject:** Ordinance No. 1393 C.S. repealing Ordinance No. 1383 C.S.

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**Recommendation**

Motion adopting Ordinance No. 1393 C.S. repealing Ordinance No.1383 C.S. Rezoning a 25.9 Acre Property Located at 451 Vine Hill Way from M-OS/RF (Mixed Use Open Space Recreation) to a Combination of R-7.5/PUD Overlay (Single Family Residential: Minimum 7,500 Square Feet Per Dwelling Unit/Planned Unit Development Overlay) and a PUD Plan to Allow Development of 99 Single Family Homes.

**Background**

At the City Council meeting of March 9th the above ordinance was introduced and a public hearing was held in accordance with California Government Code. The ordinance is now before you for adoption and will become effective after 30 days.

**Fiscal Impact**

No fiscal impact.

**Attachments**

1. Ordinance No. 1393

**APPROVED BY:**

A handwritten signature in blue ink, appearing to read "Tom Stokel", is written over the printed name.

Interim City Manager

**ORDINANCE NO. 1393 C.S.**

**REPEALING ORDINANCE 1383 C.S. REZONING A 25.9 ACRE PROPERTY LOCATED AT 451 VINE HILL WAY FROM M-OS/RF (MIXED USE OPEN SPACE RECREATION) TO A COMBINATION OF R-7.5/PUD OVERLAY (SINGLE FAMILY RESIDENTIAL: MINIMUM 7,500 SQUARE FEET PER DWELLING UNIT/PLANNED UNIT DEVELOPMENT OVERLAY) AND A PUD PLAN TO ALLOW DEVELOPMENT OF 99 SINGLE FAMILY HOMES AS REQUESTED IN THE PETITION TO THE RELATING TO A REFERENDUM AGAINST THE RESOLUTION PASSED BY THE CITY COUNCIL RESOLUTION NO. 009-15 SUBMITTED FEBRUARY 17, 2015**

**WHEREAS**, on October 4, 2013, DeNova Homes (“the applicant”) filed an application requesting the following approvals on a 25.9 acre parcel located at 451 Vine Hill Way (the “Property”):

- A. A General Plan Amendment to re-designate the Property from Open Space and Recreation, Permanent to Residential 0-6 units per acre, and related text amendments; and
- B. Re-Zoning the entire 25.9 acre area of the Property from “M-OS/RF (Mixed Use Open Space Recreational Facilities)” to “R-7.5/PUD overlay (Single Family Residential, minimum 7,500 square feet per dwelling unit/Planned Unit Development Overlay)”, and a Planned Unit Development Plan; and
- C. A Vesting Tentative Map for 99 single family lots on the Property
- D. Design Review for the proposed 99 homes; (collectively, the “Project”)

**WHEREAS**, the City prepared an Initial Study for the Project, which analyzed the environmental effects of the Project and on the basis thereof prepared a Mitigated Negative Declaration (“MND”) in compliance with the California Environmental Quality Act (“CEQA”); and

**WHEREAS**, on October 28, 2014, November 12, 2014, and January 6, 2015, the Planning Commission held duly noticed public hearings on the Project and adopted resolutions recommending that the City Council approve the MND and the Project; and

**WHEREAS**, on December 3, 2014 and January 21, 2015, the City Council held duly noticed public hearings on the Project; and

**WHEREAS**, on January 21, 2015 the City Council did adopt Resolution 008-15, Adopting a Mitigated Negative Declaration and a Mitigation and Monitoring and Reporting Program Pursuant to the California Environmental Quality Act for a Development Project Consisting of: 1) General Plan Amendments to Amend the Hidden Lakes Specific Area Plan and to Amend Land Use Map 1 to Re-designate the Subject Property from Open Space and Recreation, Permanent to Residential 0-6 Units Per Acre; 2) a Zoning Map Amendment to Re-rezone the Subject Property from M-OS/RF (Mixed Use Open Space Recreation) to a Combination of R-7.5/PUD Overlay (Single Family Residential: Minimum 7500 Square Feet per Dwelling Unit/Planned Unit Development Overlay) and Approve a Planned Unit Development Plan; 3) Vesting Tentative Map; and 4) Design Review, for Development of up to 99 Single Family Homes on a 25.9 Acre Parcel Located at 451 Vine Hill Way—APN 162-020-019 (Subject Property) – Pine Meadow Project 13 PLN-0029, Sub 9358 (Project); and

**WHEREAS**, on January 21, 2015 the City Council did adopt Resolution No. 009-15, Amending the General Plan (Hidden Lakes Specific Area Plan) Designation from Open Space and Recreation, Permanent to Residential 0-6 Acre for A 25 Acre Parcel and Text Amendment to Delete Language Pertaining to Golf Course Use on the Property Located at 451 Vine Hill Way (Pine Meadow) GPA 10-02; and

**WHEREAS**, on January 21, 2015 the City Council did adopt Resolution 010-15, A Resolution of the City Council of the City of Martinez Approving a Vesting Tentative Map for the Development of a Planned Unit Development with Up to 99 Single-Family Units (“Pine Meadow”) on an Approximate 25.9 Site Located at 451 Vine Hill Way (APN: 162-020-019) Sub #9358; and

**WHEREAS**, on January 21, 2015 the City Council did introduce and on February 4, 2015 did adopt Ordinance 1383 C.S. Rezoning a 25.9 Acre Property Located at 451 Vine Hill Way from M-OS/RF (Mixed Use Open Space Recreation) to a Combination of R-7.5/PUD Overlay (Single Family Residential: Minimum 7,500 Square Feet Per Dwelling Unit/Planned Unit Development Overlay) and a PUD Plan to Allow Development of 99 Single Family Homes; and

**WHEREAS**, on February 17, 2015, prior to the effective date of the Resolution No. 009-15, a petition requesting a referendum against Resolution No. 009-15 was submitted to the City Elections Official (the “Petition”). The Petition specifically requested that the City Council “either rescind its approval of said resolution or submit same to the voters of Martinez for their adoption or rejection at an election in accordance with state law”; and

**WHEREAS**, pursuant to California Elections Code sections 9239 and 9210, the Petition was accepted for filing, signatures verified and was submitted to the City Council for a decision regarding whether the City Council would repeal Resolution No. 009-15 or call an election of the Martinez voters relating thereto on March 18, 2015; and

**WHEREAS**, at the City Council meeting of March 18, 2015, the City Council determined to call an election and adopted Resolution 031-15, A Resolution Calling and Giving Notice of the Holding of a General Municipal Election to be Held November 8, 2016 and Requesting the Board of Supervisors of the County of Contra Costa to Conduct Said Election; and Authorizing the City Clerk or His Duly authorized Officers and Agents to Carry Out All the Necessary Procedures for Said Election Submitting to the Voters an Election for a Referendum to Resolution No. 009-15; and

**WHEREAS**, on December 10, 2015, the City Clerk received a letter from Civic Martinez, LLC, the owner of the Property and DeNova Home, Inc., the applicant for the Project, requesting that the City repeal the entitlements for the Project. The owner and developer have clarified by subsequent letter that they no longer intend to proceed with development of the Project as originally proposed and that they are working on revised plans to be submitted sometime in the future; and

**WHEREAS**, if the City Council proceeds with the election for the November 8, 2016, regular municipal election, the cost to the City is estimated to be, using the associated costs of the last election, \$23,229.84; and

**WHEREAS**, notice describing the City Council public hearing on the proposed rescission of the entitlements for the Project and the rescission of Resolution 31-15 calling the election on the Petition, were sent to all affected property owners within ¼ mile of the boundaries of the Property, all public agencies potentially serving the Project or having some oversight of the Project's construction, and all persons requesting notice and published in the Martinez News Gazette, a newspaper of general circulation, on February 28, 2016; and

**WHEREAS**, the City Council has determined it is desirable to avoid the costs of an election that is no longer necessary; and

**WHEREAS**, the Record of Proceedings ("Record") upon which the City Council bases its decision includes, but is not limited to: (1) the Mitigated Negative Declaration/Initial Study ("MND") and the appendices and technical reports cited in and/or relied upon in preparing the MND; (2) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the MND, the Project and the Petition; (3) the evidence, facts, findings and other determinations set forth in the staff report for this action and this resolution; (4) the General Plan and its related EIR and technical studies and the Martinez Municipal Code; (5) all designs, plans, studies, data, and correspondence submitted to the City in connection with the MND, the Project and the Petition; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the MND, the Project and the Petition; (7) all other matters of common knowledge to the City, including, but not limited to, City, state and federal law, policies, rules, regulations, reports, records and projections related to the matters set forth herein.

**NOW, THEREFORE**, the City Council of the City of Martinez does ordain as follows:

**SECTION I.** The City Council of the City of Martinez hereby repeals Ordinance 1383 C.S. Rezoning a 25.9 Acre Property Located at 451 Vine Hill Way from M-OS/RF (Mixed Use Open Space Recreation) to a Combination of R-7.5/PUD Overlay (Single Family Residential: Minimum 7,500 Square Feet Per Dwelling Unit/Planned Unit Development Overlay) and a PUD Plan to Allow Development of 99 Single Family Homes.

**SECTION II. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.  
The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

**SECTION III. Effective date.** This ordinance shall become effective 30 days after the date of adoption.

**SECTION IV. Posting.** The City Clerk shall cause this ordinance to be published within fifteen days after its adoption, at least once, with the names of those City Council members voting for or against the ordinance, in a newspaper of general circulation published and circulated in the City of Martinez.

APPROVED: \_\_\_\_\_  
Rob Schroder, Mayor

ATTEST: \_\_\_\_\_  
Deputy City Clerk

\* \* \* \* \*

**I HEREBY CERTIFY** the foregoing ordinance was duly and regularly introduced at the Meeting of the City Council of the City of Martinez, held on the 9th day of March, 2016, and duly passed and adopted by said City Council at a Regular Meeting of the City Council of the City of Martinez held on the 16<sup>th</sup> day of March, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ