



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
December 15, 2010**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Adopting Ordinance 1360 C.S.
DATE: December 8, 2010

RECOMMENDATION:

Adopt Ordinance No. 1360 C.S. Prezoning 155 parcels covering approximately 400 acres in the Alhambra Valley Annexation area to a combination of AV/R-20 (Alhambra Valley Single-Family Residential: 20,000 square feet per dwelling unit); AV/R-40 (Alhambra Valley Single-Family Residential: 40,000 square feet per dwelling unit); AV/A-5 (Alhambra Valley Agricultural: 5 acres per dwelling unit); and AV/PD (Alhambra Valley Planned Development).

BACKGROUND:

At the City Council meeting of December 1, 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.

ACTION:

Motion to adopt Ordinance No. 1360 C.S. Prezoning 155 parcels covering approximately 400 acres in the Alhambra Valley Annexation area to a combination of AV/R-20 (Alhambra Valley Single-Family Residential: 20,000 square feet per dwelling unit); AV/R-40 (Alhambra Valley Single-Family Residential: 40,000 square feet per dwelling unit); AV/A-5 (Alhambra Valley Agricultural: 5 acres per dwelling unit); and AV/PD (Alhambra Valley Planned Development).

APPROVED BY:

City Manager

ORDINANCE NO. 1360 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ PREZONING 155 PARCELS COVERING APPROXIMATELY 400 ACRES IN THE ALHAMBRA VALLEY ANNEXATION AREA TO A COMBINATION OF AV/R-20 (ALHAMBRA VALLEY SINGLE-FAMILY RESIDENTIAL: 20,000 SQUARE FEET PER DWELLING UNIT); AV/R-40 (ALHAMBRA VALLEY SINGLE-FAMILY RESIDENTIAL: 40,000 SQUARE FEET PER DWELLING UNIT); AV/A-5 (ALHAMBRA VALLEY AGRICULTURAL: 5 ACRES PER DWELLING UNIT); AND AV/PD (ALHAMBRA VALLEY PLANNED DEVELOPMENT)

WHEREAS, the City of Martinez has initiated the process to annex a portion of Contra Costa County that is subject to the Alhambra Valley Specific Plan. The process is collectively known as the Alhambra Valley Annexation Project and includes an area located in the central portion of Contra Costa County, directly outside the current southwest jurisdictional boundary of the City of Martinez, but within the City's Sphere of Influence and the County Urban Limit Line. The proposed annexation area is comprised of 155 parcels covering approximately 400 acres. It is generally bounded by the City's current jurisdictional boundary to the north; detached single family homes and undeveloped hills to the east; Alhambra Valley Road and Briones Regional Park to the south; and undeveloped hills and rangeland to the west; and

WHEREAS, in order for the City of Martinez to annex the area into the City, it will need to take the planning and policy actions listed below that collectively make up the Alhambra Valley Annexation Project ("Project"):

- Adopt a Negative Declaration pursuant to the California Environmental Quality Act (CEQA);
- Amend the Martinez General Plan Land Use Element and Land Use Map to incorporate four new land use designations;
- Amend the Martinez General Plan Land Use Element, Scenic Roadways Element, Parks and Recreation Element and Transportation Element to add new policies relating to the Alhambra Valley annexation area;
- Amend the Martinez Zoning Ordinance to include a new chapter: the Alhambra Valley Districts which will contain four new zoning districts and regulations applicable thereto;
- Amend the Martinez Zoning Map to show the annexation area and the new Zoning Districts for the annexation area;

- Approve Pre-Zonings and General Plan Land Use designations for the properties to be annexed;
- Amend the Zoning Ordinance to incorporate approval of and approve the Alhambra Valley Design Guidelines;
- Approve a City-Initiated Contra Costa Local Agency Formation Commission (LAFCO) application; and

WHEREAS, in addition, in order to complete the annexation of the area into the City of Martinez, LAFCO will need to take the planning and policy actions listed below:

- LAFCO processing and approval of City's annexation application; and

WHEREAS, pursuant to CEQA the City has conducted an Initial Study to evaluate the Project's potential impacts on the environment; and

WHEREAS, on the basis of said Initial Study, a Negative Declaration has been prepared; and

WHEREAS, on April 16, 2010 the City provided a Notice of Intent to adopt a Negative Declaration to the public, responsible agencies, trustee agencies, and the county clerk in which the Project is located as well as all persons requesting notice, and published said notice in a newspaper of general circulation as required by law; and

WHEREAS, the Planning Commission of the City of Martinez held a duly noticed public hearing on May 25, 2010, listened to testimony from the public, and continued the item to a date uncertain; and

WHEREAS, the Planning Commission held the continued duly noticed public hearing on June 29, 2010 and considered all oral and written comments received at or prior to the public hearings on the matter and directed staff to return with a resolution; and

WHEREAS, the Planning Commission held a continued duly noticed public hearing on August 10, 2010 to consider draft resolutions, and considered all oral and written comments received at or prior to the public hearings on the matter and recommended denial of the proposed project; and

WHEREAS, by the adoption of Resolution NO. 114-10, the City Council has adopted the Negative Declaration prepared for the proposed Project; and

WHEREAS, by the adoption of Resolution No. 115-10, the City Council has amended the General Plan for the proposed Project; and

WHEREAS, by the introduction of Ordinance No. 1359 C.S., the City Council has amended the zoning ordinance to include zoning regulations to be applied to the Alhambra Valley; and

WHEREAS, the City Council finds that the proposed rezoning is consistent with the General Plan in that:

1. The proposed Zoning Districts are consistent with the applicable General Plan Land Use Designations:
 - a) The AV/R-20 (Alhambra Valley Single-Family Residential: 20,000 square feet minimum lot size) Zoning District is consistent with approved the "Estate Residential-Low" land use designation, as both allow single-family development at a density of up to two units per acre; and
 - b) The AV/R-40 (Alhambra Valley Single-Family Residential: 40,000 square feet minimum lot size) Zoning District is consistent with approved the "Estate Residential-Very Low" land use designation, as both allow single-family development at a density of up to one unit per acre; and
 - c) The AV/A-5 (Alhambra Valley Agricultural: 5 acres minimum lot size) Zoning District is consistent with the approved "Agricultural Lands" land use designation; and
 - d) The AND AV/PD (Alhambra Valley Planned Development) Zoning District is consistent with the approved combination of the "Estate Residential-Low" and "Open Space" land use designations for the applicable Planned Development ("Stonehurst").
2. The proposed Zoning Districts are consistent with applicable General Plan policies, in that the goals and objectives of the Alhambra Valley (22.7) Section of the Land Use Element are to be implemented by the proposed Zoning Districts:
 - a) Opportunities for low density estate residential, very low estate residential and rural residential housing opportunities will be provided; and

b) Alhambra Valley's natural, scenic and agricultural resources shall be preserved by the applicable zoning regulations' framework of limiting development to that which is consistent with valley's existing rural character.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Martinez does ordain as follows:

SECTION 1. The Zoning Map is hereby amended to show the rezonings for the Alhambra Valley Annexations Area, as set forth on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. 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 3. Effective date. This ordinance shall become effective 30 days after the date of adoption.

SECTION 4. Posting. At least five (5) days prior to its final adoption, a certified copy of the full text of this ordinance shall be posted in the office of the City Clerk.

Within 15 days after adoption the City Clerk shall publish a summary of this ordinance with the names of those City Council members voting for and against the ordinance in a newspaper of general circulation published and circulated in the City of Martinez.

The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted ordinance.

APPROVED: _____
Rob Schroder, Mayor

ATTEST: _____
Deputy City Clerk

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I HEREBY CERTIFY that the foregoing ordinance was duly and regularly introduced at a Regular Meeting of the City Council of the City of Martinez, held on the 1st day of December, and duly passed and adopted at a Regular Meeting of said City Council held on the 15th day of December 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

Zoning Alhambra Valley Districts

Legend

- AV/R-20 Single Family
- AV/R-40 Single Family
- AV/PD Planned Development
- AV/A-5 Agriculture
- Annexation Boundary
- City Limits
- Sphere of Influence
- Outside Urban Limit Line

