

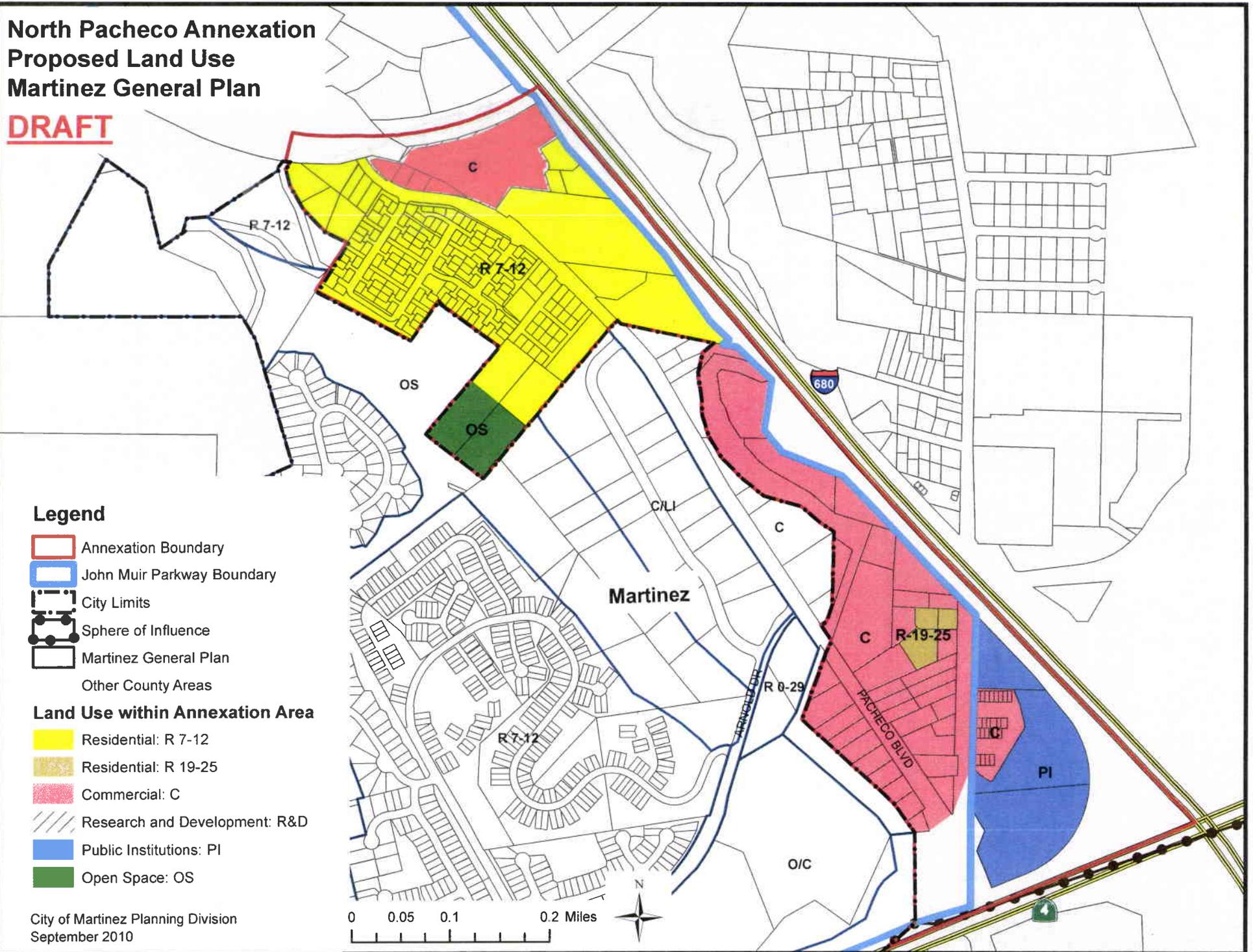
## Chart of Public Services – North Pacheco Annexation

Category	Impact	Description
Water	No	Residents will still be served by Contra Costa Water District
Wastewater (sewer)	No	Residents will still be served by Mountain View Sanitary District
Garbage/Recycling	Yes	Typical customer (20 gal, 32 gal, or 64 gal garbage cart) will pay virtually same per month; City franchise provides weekly recycling pickup vs. bi-weekly under existing franchise
Cable Television	No	Rate structure for Comcast identical
Fire	No	Residents still served by Contra Costa Fire
Police	Yes	Residents will be served by Martinez Police Department instead of County Sheriff's Department*
Schools	No	Residents will still be served by existing configuration of school districts
Sales Taxes	No	No change to sales tax rate
Property Taxes	Yes	Measure H Parks Bond will apply at a rate of approximately \$34.71 per \$100,000 in Assessed Valuation of property

*\*Martinez Police Department has a minimum of four patrol officers and one sergeant per shift. County Sheriff has two deputies assigned to Martinez, Clyde, Rodeo, Bay Point, and other unincorporated areas of Central County. MPD has previously responded to calls in the proposed annexation area on behalf of the Sheriff's Office when needed.*

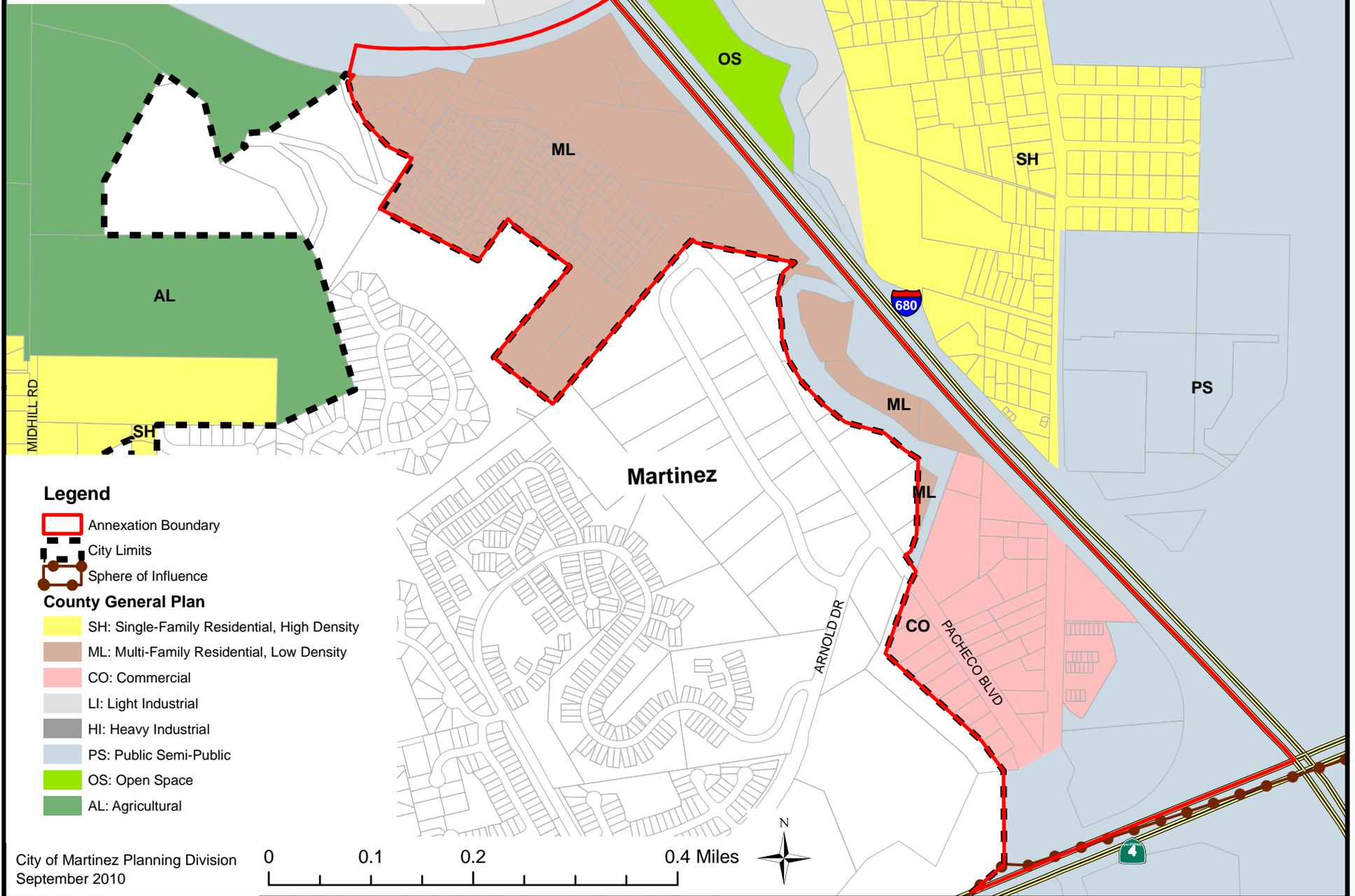
**North Pacheco Annexation  
Proposed Land Use  
Martinez General Plan**

**DRAFT**



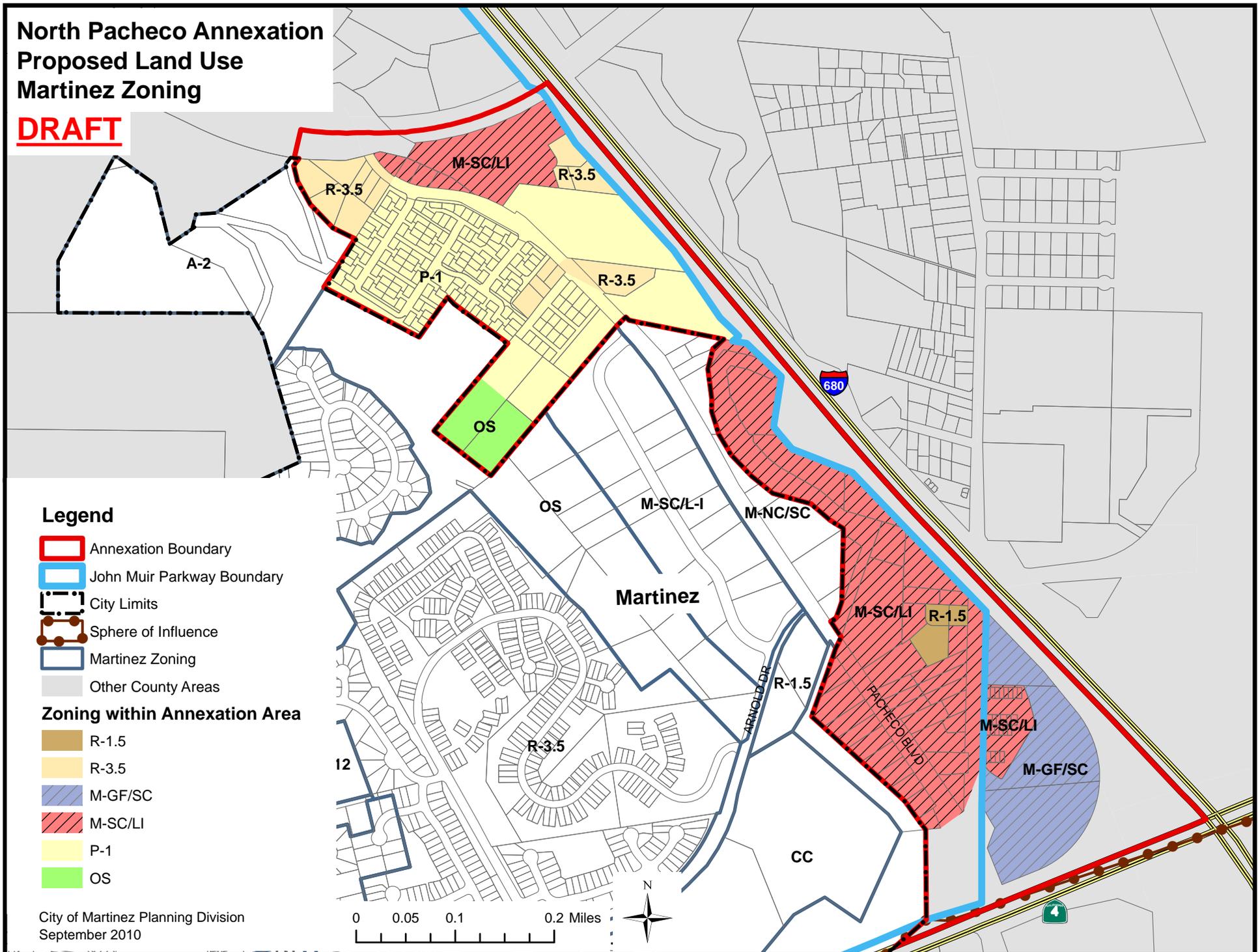
City of Martinez Planning Division  
September 2010

North Pacheco Annexation  
Existing Land Use  
Contra Costa County General Plan



**North Pacheco Annexation  
Proposed Land Use  
Martinez Zoning**

**DRAFT**



**Legend**

- Annexation Boundary
- John Muir Parkway Boundary
- City Limits
- Sphere of Influence
- Martinez Zoning
- Other County Areas

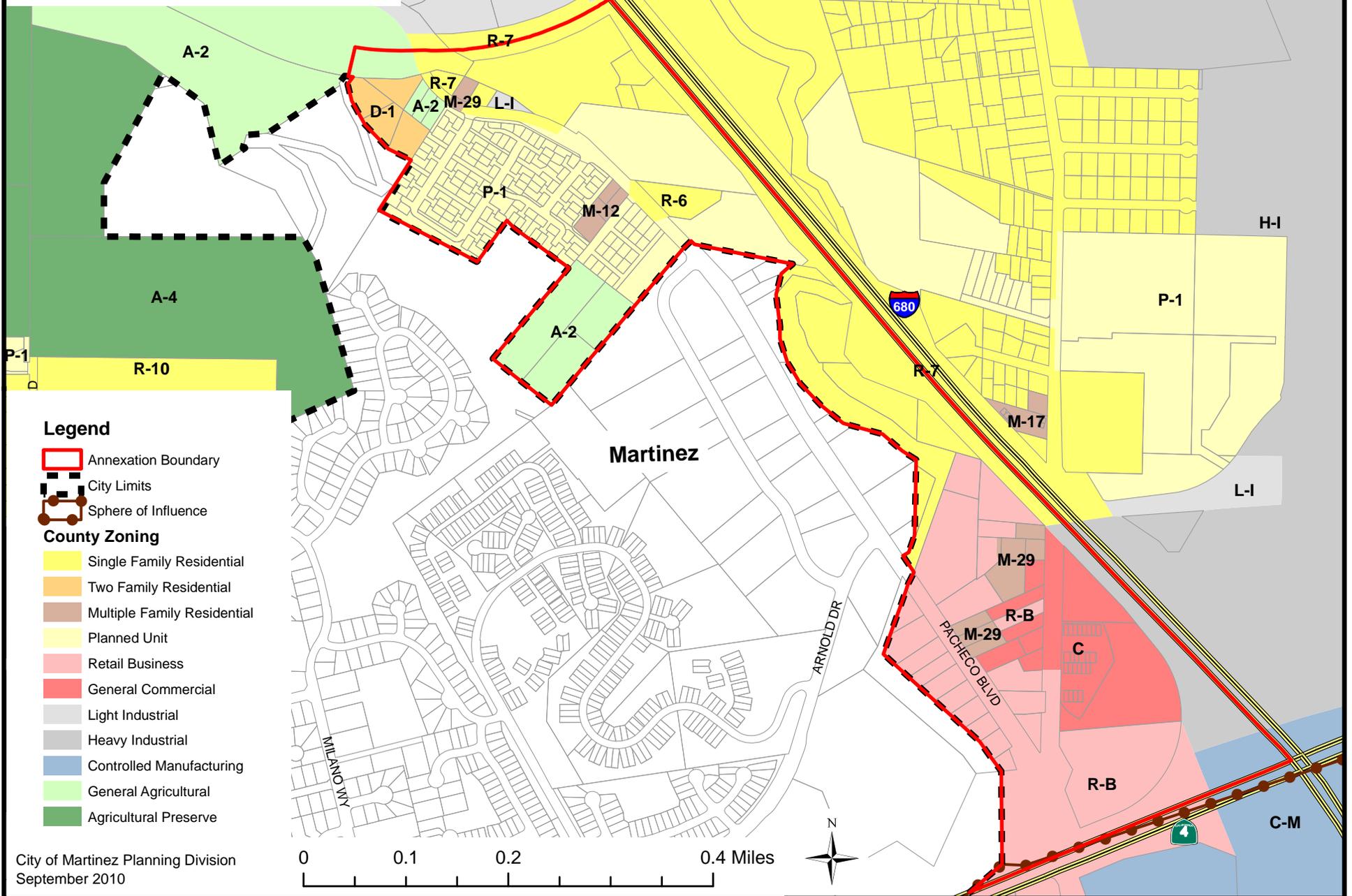
**Zoning within Annexation Area**

- R-1.5
- R-3.5
- M-GF/SC
- M-SC/LI
- P-1
- OS

City of Martinez Planning Division  
September 2010



# North Pacheco Annexation Existing Land Use Contra Costa County Zoning



## Legend

- Annexation Boundary
- City Limits
- Sphere of Influence
- County Zoning**
- Single Family Residential
- Two Family Residential
- Multiple Family Residential
- Planned Unit
- Retail Business
- General Commercial
- Light Industrial
- Heavy Industrial
- Controlled Manufacturing
- General Agricultural
- Agricultural Preserve

City of Martinez Planning Division  
September 2010

0 0.1 0.2 0.4 Miles





## STAFF REPORT

**TO: PLANNING COMMISSION**

**MEETING DATE: November 23, 2010**

**PREPARED BY: Dina Tasini, Contract Planner**

**REVIEWED BY: Terry Blount, AICP, Planning Manager**

**RE: Creation of Land Use Regulations to Implement the Proposed Annexation of Multiple Parcels in an Area Referred to as the North Pacheco Annexation Area into the City of Martinez**

### GENERAL INFORMATION

**Applicant:** City of Martinez

**Location:** The proposed North Pacheco annexation and related planning actions will impact an area located at the intersection of Interstate Highway 680 and Highway 4 and extends north along Pacheco Boulevard to the Burlington Northern Santa Fe (BNSF) Railroad which demarks its most northern boundary. The area is located within the northeastern portion in unincorporated Contra Costa County outside the eastern boundary of the City of Martinez but within the City's sphere of influence and County Urban Limit Line (see Attachment A).

#### **Existing Land Use Designations (Contra Costa County)**

**General Plan:** Multiple Family Residential–Low; Commercial; Public/Semi-Public

**Zoning:** R-6 (Single Family Residential); R-7 (Single Family Residential); D-1 (Two Family Residential); M-12 (Multiple Family Residential); P-1 (Planned Unit District); R-B (Retail Business); C (General Commercial); L-I (Light Industrial); A-2 (General Agricultural)

#### **Proposed Land Use Designations**

**General Plan:** The proposed changes to the land use designations include: R 7-12 units per acre and R 19-25 units per acre (Multi Family Residential); C (Commercial); PI (Public Institution); OS (Open Space)

**Zoning:** The following zoning designations, which are currently contained within the City of Martinez's Zoning Ordinance, are proposed within the annexation area: R-1.5 (Residential, 1500 square feet per unit/10,000 square feet minimum parcel size); R-3.5 (Residential 3500 square feet per unit/4,000 square feet minimum parcel size); M-GF/SC (Mixed Use

Government Facilities/Service Commercial; M-SC/LI (Mixed Use Service Commercial/Light Industrial); OS (Open Space); P-1 (Planned Unit Development, which requires the introduction of a zoning text amendment to allow for Contra Costa County Planned Unit Development designation and associated regulations).

### **ACTIONS FOR CONSIDERATION**

- Amend the Martinez General Plan (John Muir Parkway Specific Area Plan) Land Use Map to show the annexation area within the City limits and the new associated land use designations. (City)
- Amend the Zoning Ordinance to include new designation P-1 (Planned Unit Development) to allow for Contra Costa County's Planned Unit Development designation and approved Planned Developments to be incorporated into the City's Zoning Ordinance and Map. (City)
- Amend the Zoning Map to show the annexation area within the City limits and the new Zoning Districts for the annexation area. (City)
- Approve pre-zonings and General Plan Land Use designations for the properties to be annexed. (City)
- Adopt a Negative Declaration. (City)

### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed Negative Declaration and land use regulatory framework for the North Pacheco annexation area.

### **PROJECT AREA DESCRIPTION**

The North Pacheco annexation area contains approximately 111 acres. The northern portion of the area contains a few businesses including two large contractor yards, auto repair, a church, and a drug and alcohol rehabilitation center (Contra Costa owns and operates the site). The Belmont Terrace subdivision, also located in this area, is currently under construction (approved for 110 single-family homes). The area immediately to the south has been graded and retaining walls have been built in preparation for a subdivision comprised of 20 lots. The property located at 4776 Pacheco Boulevard has been approved for a subdivision of eight lots. To the east and across Pacheco Boulevard, 4775 and 4781 Pacheco Boulevard have been approved jointly for a subdivision of 89 lots.

The central portion of the annexation area includes a large stretch of the Contra Costa Canal that bisects a number of properties making access to several of them unfeasible, and so the property between the Canal and I-680 remains vacant. This vacant land is unpaved, fenced and has no access. Part of the vacant land provides right of way for Caltrans. This portion of the annexation area and the area to the south is a mix of commercial, light industrial and a few residential units.

The largest business in operation in the southern portion of the annexation area is

located at 4949 Pacheco Boulevard. This business was at one time a large Recreational Vehicle (RV) sales business. RV sales have seen a large decrease recently in response to the economic downturn. Because of this, the owner has subleased the area to several businesses. The RV site is comprised of several parcels and a trailer sales dealer between the industrial park along Blum Road and I-680.

The remainder of the southern portion of the annexation area consists of commercial uses, older homes that are used for business and a few residences. Within the southern portion there are also a number of vacant commercial/light industrial buildings.

Three occupied multi-family apartment buildings are located in the southern portion of the proposal area on Hanson Court. Two single-family homes are situated at the south end of Pacheco Boulevard. A California Highway Patrol office is located at the southeastern portion of the annexation area. Caltrans owns land that borders the junction of I-680 and Highway 4 and operates a park and ride lot at the south end of Blum Road. Contra Costa County Transportation Authority is planning to redevelop a portion of the site into a bus transfer station at the interchange, and the City has agreed in principal to maintain the parking lot for a fee of \$25,000 per year.

## **BACKGROUND**

As the Planning Commission is aware, the City Council has been discussing and analyzing the feasibility of annexing parcels in the North Pacheco Boulevard area since 2009. The Community and Economic Development Department began discussions with the Contra Costa Local Area Formation Commission (LAFCO) in 2009. In response to the City Council's desire to annex this area, staff retained the services of CH2MHill and EPS to complete a fiscal analysis and required environmental review. Subsequently, staff revised the fiscal report prepared by EPS to properly reflect the current fiscal conditions and hired Tasini and Associates to revise the Initial Study, initiate communication with the residents and businesses in the area, meet with LAFCO and prepare all relevant staff reports and application materials.

City staff has met with the business owners on several occasions and has held two publicly noticed meetings and one meeting with the homeowners association at Belmont Terrace. The meetings were well attended. In general, the public wanted to discuss the fiscal and service impacts. In response to their concerns staff has prepared a chart of impacts (see Attachment G). The analysis of public services shows that the cost of services will not increase and service providers will not change, the only change that will impact all property owners is an additional property tax resulting from the passage of Proposition H.

Staff compiled information from numerous site visits, residents, business owners and community members at large and developed compatible General Plan designations and Zoning districts for the area (see Attachments B-E). From this process the City now understands the following:

- Annexation of this area provides an excellent opportunity for the City to enhance an important gateway;

- Rezoning of the area will be consistent with the General Plan and the John Muir Specific Area Plan;
- There are no significant environmental impacts as a result of the annexation; and
- The annexation area does not include any new development; however there are a number of residential projects that have been approved by Contra Costa County and once developed will remain consistent with the proposed Zoning and General Plan land use designations. Staff has proposed Zoning designations that will provide for continued development in a manner that is consistent with the current development pattern.

## **DISCUSSION**

The proposed annexation and associated rezoning and General Plan amendments have taken into account the existing uses and development within the area. As such, the City is proposing to rezone the areas with similar commercial and residential zoning allowing for existing uses to continue and new uses to be in keeping with the long range plans for the southern portion of the annexation area to be largely commercial uses and the northern portion residential. Hence, the proposed Zoning and General Plan land use designations will be consistent with current ones.

The northern portion of the annexation area located between the BNSF Railroad and Sunrise Business Park (westerly boundary) and the Contra Costa Canal (easterly boundary) consists of approximately 50 acres currently designated Multiple Family Residential–Low (7.3 to 11.9 dwelling units per acre) by the Contra Costa County General Plan. The City has proposed General Plan designations and Zoning designations that are consistent with the existing and permitted uses in the County with two exceptions. The two exceptions are as follows:

1. Approximately three acres adjacent to the Contra Costa Water District property, above Weatherly Lane, will be designated Open Space as opposed to the current Residential designation to be consistent with the approved Contra Costa County tentative map for the proposed residential development on that property;
2. Approximately five acres adjacent to the BNSF Railroad and Pacheco Boulevard will be redesignated commercial as opposed to residential to reflect the current and historic use of the properties.

The southern portion of the annexation area, generally located to the east and south of the Contra Costa Canal, consists of approximately 40 acres; all but four acres are designated for Service Commercial and/or Public Semi-Public within the Contra Costa County General Plan. The City does not plan any substantial changes to the existing or planned residential uses in this area. Permitted uses will remain consistent with the proposed General Plan designations and Zoning regulations with the exception of two areas. The first is approximately 4.5 acres that is located on a piece of property somewhat landlocked between the Contra Costa Canal and Highway 680 and is currently designated Multi-Family Residential, Low Density (area currently zoned R-7, Single-Family Residential, 7,000 square foot minimum lots). There is no public access to this area, the only access is through private properties that are designated and used

for Service Commercial purposes. Therefore, commercial as opposed to residential purposes are proposed for this area. In addition, there is a one acre site at Hanson Court that is currently designated Commercial in the County's General Plan but is fully developed with high density housing. The City proposes a new General Plan designation of R 19-25 units per acre (Multi Family Residential) for this area, with the conforming R-1.5 (Residential, 1500 square feet per unit; 10,000 square feet minimum parcel size) zoning district.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The North Pacheco annexation project consists of a series of actions to be undertaken by the City and LAFCO. The environmental analysis was undertaken pursuant to CEQA. The majority of the annexation area is built out. The proposed annexation will not increase or significantly change the allowed uses, permitted density or scale of development compared to existing conditions or existing County policies and regulations. The City received two comment letters, one from a community member and another from LAFCO. The issues raised by LAFCO required additional clarification and some editing none of which required recirculation since no additional impacts resulted as part of the changes. Based on the findings in the Initial Study (see Attachment H), staff has determined that the proposed annexation project will not have a significant impact on the environment and that a Negative Declaration is the appropriate document to complete the CEQA process.

### **CONCLUSION**

City staff, based upon direction from the City Council, has developed a new land use regulatory framework that will implement the Council's commitment to annex the North Pacheco area consistent with Contra Costa County's General Plan and Zoning Ordinance regulations. The Initial Study provides the documentation, pursuant to CEQA, that there is no significant environmental impact created by the implementation of the new land use regulatory framework and the ultimate annexation of the North Pacheco area.

### **ATTACHMENTS**

- A: Map of the Proposed North Pacheco Annexation Area
- B: Contra Costa County Existing Land Use Map (General Plan)
- C: City of Martinez Proposed Land Use Map (General Plan) for Annexation Area
- D: Contra Costa County Existing Zoning Map
- E: Proposed City of Martinez Zoning Map for Annexation Area
- F: EPS Fiscal Analysis (Revised) Dated July 2010
- G Chart of Public Services
- H: Initial Study Dated August 6, 2010 (Revised November 9, 2010)
- I: Proposed City of Martinez Zoning Ordinance Amendments
- J: Correspondence
- K: Planning Commission Resolution No. #10-08 (Draft)

**RESOLUTION NO. PC 10-08**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MARTINEZ,  
RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE  
DECLARATION, AMENDMENTS TO THE GENERAL PLAN LAND USE MAP, AND  
RECOMMENDING APPROVAL OF THE PRE-ZONING OF PARCELS WITHIN THE  
NORTH PACHECO ANNEXATION AREA**

**WHEREAS**, the City of Martinez has initiated the process to annex a portion of Contra Costa County. The project area is collectively known as the North Pacheco Annexation Area located at the intersection of Interstate Highway 680 and Highway 4 and extends north along Pacheco Avenue to the Burlington Northern Sante Fe (BNSF) Railroad trestle, which demarks its most northern boundary. The area is located within the northeastern portion in unincorporated Contra Costa County outside the eastern boundary of the City of Martinez but within the City's sphere of influence and County Urban Limit Line. The annexation area consists of approximately 111 acres; 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 North Pacheco Annexation Area ("Project"):

- Adopt a Negative Declaration. (City)
- Amend the Martinez General Plan (John Muir Parkway Specific Area Plan) Land Use Map to show the annexation area and the new associated land use designations to be applicable to the area proposed to be annexed, (City)
- Amend the Zoning Ordinance to include new zoning designation P-1 (Planned Unit Development) to allow for Contra Costa County's Planned Unit Development designation and approved Planned Developments to be incorporated into the City's Zoning Ordinance and Map. (City)
- Amend the Zoning Map to show the annexation area and the new Zoning Districts for the annexation area. (City)
- Approve pre-zonings and General Plan Land Use designations of the properties to be annexed. (City)
- Approve a City-Initiated LAFCO application. (City)

**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. The Initial Study is attached hereto as Exhibit A and incorporated herein by reference; and

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

**WHEREAS**, on August 6, 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 November 23, 2010; and

**WHEREAS**, the Record of Proceedings ("Record") upon which the Planning Commission bases its decision regarding the Initial Study and Negative Declaration and the Project includes, but is not limited to: (1) the Initial Study and Negative Declaration, and the technical reports cited in and/or relied upon in preparing the Initial Study and Negative Declaration, (2) all staff reports, City files and records and other documents prepared for and/or submitted to the Planning Commission relating to the Initial Study and Negative Declaration, (3) the City of Martinez General Plan, its related EIR and the Martinez Municipal Code, (4) all documents, designs, plans, studies, data and correspondence submitted in connection with the Initial Study, Negative Declaration or the Project, (5) all documentary and oral evidence received at public hearings or submitted to the City during the comment period relating to the Initial Study, Negative Declaration or the Project, (6) prior CEQA documents prepared relating to the Project site, and (7) all other matters of common knowledge to the Planning Commission, and the City, including, but not limited to, City, State and Federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas. The location and custodian of the Record is the City of Martinez Planning Manager, 525 Henrietta Street, Martinez, CA.

**NOW, THEREFORE**, the Planning Commission of the City of Martinez finds and resolves as follows:

1. That the above recitals are found to be true and constitute part of the findings upon which this resolution is based.
2. That the Negative Declaration has been prepared and circulated in accordance with CEQA and reflects the City's independent judgment and analysis.
3. That there is no substantial evidence in light of the whole Record, that the Project may have a significant effect on the environment and recommends that the proposed Negative Declaration be adopted as set forth in Exhibit B, attached hereto and incorporated herein by reference.
4. That the Planning Commission has considered the Initial Study and proposed Negative Declaration before making its recommendation on the Project as set forth herein.
5. That the Project and each and every action which is a part thereof is consistent with the Martinez General Plan and that the General Plan Amendments which are a part of the Project are internally consistent with the remaining portion of the General Plan

and adopts the findings relating thereto as set forth in Exhibit C, attached hereto and incorporated herein by reference.

6. That, based on the Record and the findings set forth herein, the Planning Commission hereby recommends that the City Council approve the requested General Plan Amendment to amend the General Plan Land Use Map as set forth in Exhibit D, attached hereto and incorporated herein by reference.
7. That, based on the Record and the findings set forth herein, the Planning Commission hereby recommends that the City Council adopt an ordinance to amend the Martinez Municipal Code Chapter 22 (Zoning Ordinance) to include the new P-1 Planned Development District, as set forth in Exhibit E, attached hereto and incorporated herein by reference.
8. That, based on the Record and the findings set forth herein, the Planning Commission hereby recommends that the City Council adopt an ordinance to amend the Martinez Municipal Code Zoning Map to show the annexation area and the new zoning districts and pre-zone the properties in the North Pacheco annexation area as set forth in Exhibit F, attached hereto and incorporated herein by reference.

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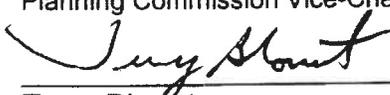
I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a special meeting of said Commission held on the 23<sup>rd</sup> of November, 2010:

AYES: Allen, Avila Farias, Burt, Ford, Keller, Kelly & Marchiano

NOES:

ABSENT: Busby

BY:   
\_\_\_\_\_  
Donna Allen  
Planning Commission Vice-Chair

  
\_\_\_\_\_  
Terry Blount  
Planning Manager

**FILING REQUIREMENTS FOR SUBMITTING  
BOUNDARY CHANGE APPLICATIONS**

An application submitted to Contra Costa LAFCO should contain the following components:

- \_\_\_\_\_ **Cover letter listing the materials being submitted** (1 copy)
- \_\_\_\_\_ **Resolution of Application (or signed registered voter or landowner petition)** (1 copy)
- \_\_\_\_\_ **Completed Proposal Questionnaire** (9 copies)
- \_\_\_\_\_ **Completed Sphere of Influence Questionnaire, if needed** (1 copy)
- \_\_\_\_\_ **Assessor Parcel Map with application area highlighted in color** (1 copy)
- \_\_\_\_\_ **A Map showing the area proposed for annexation in proximity to the City and/or District boundary and sphere of influence** (1 copy)
- \_\_\_\_\_ **300 foot radius Map with Assessor Parcel Numbers** (1 copy)
- \_\_\_\_\_ **Map and legal description** (9 copies of each)
- \_\_\_\_\_ **Alphabetical list of streets with address ranges – City boundary changes only**
- \_\_\_\_\_ **Certified EIR** (14 copies) or **Negative Declaration** (14 copies) AND **Notice of Determination OR Notice of Exemption** (1 copy)
- \_\_\_\_\_ **Copy of proof of Fish and Game filing, and filing fee payment if necessary**
- \_\_\_\_\_ **List of current and any known future landowners or lessees** (1 copy)  
(for any boundary change related to land use development projects)
- \_\_\_\_\_ **Mailing labels** for affected property owners and/or registered voters and for property owners and/or registered voters within 300 feet (two sets of labels)
- \_\_\_\_\_ **LAFCO processing fees** (in accordance with current LAFCO fee schedule)
- \_\_\_\_\_ **\$1,100 map check deposit** (payable to County of Contra Costa)
- \_\_\_\_\_ **Indemnification Agreement** (to be completed following approval of proposal)
- \_\_\_\_\_ **Pertinent reports, studies and other information that will assist the LAFCO staff and Commission in understanding the application** (1 copy)
- \_\_\_\_\_ **Financial Disclosure Statement** (1 copy) (per Government Code §84308 of the Political Reform Act)

Applications should comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, California Environmental Quality Act, Contra Costa LAFCO Commissioner Handbook, and all relevant codes and regulations. LAFCO application forms, policies and procedures are available on the LAFCO website at [contracostalafco.org](http://contracostalafco.org). Please contact the LAFCO office if you have questions regarding filing requirements or procedures.

## CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

### **Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations**

(Attach additional sheets as necessary)

1. Name of Application: (The name should match the title on the map and legal description; list all boundary changes that are part of the application)
  
2. Describe the acreage and general location; include street addresses if known:
  
3. List the Assessor's Parcels within the proposal area:
  
4. Reasons for the proposal: (Why is this proposal being filed? Identify other actions that are part of the overall project, i.e., a tract map or development permit.)
  
5. Land Use and Zoning - Present and Future
  - A. Describe the existing land uses within the proposal area. Be specific.
  
  - B. Describe any changes in land uses that would result from or be facilitated by this proposed boundary change.
  
  - C. Describe the existing zoning designations within the proposal area.
  
  - D. Describe any proposed change in zoning for the proposal area. Do the existing and proposed uses conform with this zoning?
  
  - E. (For City Annexations) Describe the prezoning that will apply to the proposal area upon annexation. Do the proposed uses conform with this prezoning?
  
  - F. List all known entitlement applications pending for the property (i.e., zone change, land division or other entitlements).

6. Describe the area surrounding the proposal

In Table A at the end of this questionnaire, describe existing land uses, general plans and zoning designations for lands adjacent to and surrounding the proposal area. The application is incomplete without this table.

7. Conformity with Spheres of influence

A. Is the proposal area within the sphere of influence of the annexing agency?

B. If not, include a proposal to revise the sphere of influence.

8. Conformity with the County Urban Limit Line

Is the proposal area entirely within the County Urban Limit Line? If not, please explain.

9. Conformity with County and City General Plans

A. Describe the existing County General Plan designation for the proposal area.

B. (For City Annexations) Describe the City general plan designation for the area.

C. Do the proposed uses conform with these plans? If not, please explain.

10. Topography and Natural Features

A. Describe the general topography of the proposal area and any significant natural features that may affect the proposal.

B. Describe the general topography of the area surrounding the proposal.

11. Impact on Agriculture

A. Does the property currently produce a commercial agricultural commodity?

B. Is the property fallow land under a crop rotational program or is it enrolled in an agricultural subsidy or set-aside program?

C. Is the affected property Prime Agricultural Land as defined in Government Code §56064?

D. Is any portion of the proposal area within a Land Conservation (Williamson) Act contract?

- 1) If "yes," provide the contract number and date the contract was executed.
- 2) If "yes", has a notice of non-renewal be filed? If so, when?
- 3) If this proposal is an annexation to a city, provide a copy of any protest filed by the annexing city against the contract when it was approved.

12. Impact on Open Space

Is the affected property Open Space land as defined in Government Code Section 65560?

13. Relationship to Regional Housing Goals and Policies (City annexations only)

If this proposal will result in or facilitate an increase in the number of housing units, describe the extent to which the proposal will assist the annexing city in achieving its fair share of regional housing needs as determined by ABAG.

14. Population

A. Describe the number and type of existing dwelling units within the proposal area.

B. How many new dwelling units could result from or be facilitated by the proposal?

Single-family \_\_\_\_\_ Multi-family \_\_\_\_\_

C. What is the projected population growth due to the proposal?

15. Plan for Providing Services - Government Services and Controls (per §56653)

A. Describe the services to be extended to the affected territory by this proposal.

B. Describe the level and range of the proposed services.

C. Indicate when the services can feasibly be provided to the proposal area.

D. Indicate any improvements or upgrading of structures, roads, sewers or water facilities or other conditions that will be required as a result of the proposal.

E. Identify how these services will be financed. Include both capital improvements and ongoing maintenance and operation.

F. Identify any alternatives for providing the services listed in Section (A) and how these alternatives would affect the cost and adequacy of services.

16. Ability of the annexing agency to provide services

Attach a statement from each annexing agency describing its ability to provide services that are the subject of the application, including the sufficiency of revenues (56668j).

17. Dependability of Water Supply for Projected Needs (56653)

If the proposal will result in or facilitate an increase in water usage, attach a statement from the retail water purveyor that describes the timely availability of water supplies that will be adequate for the projected needs.

18. Bonded indebtedness and zones – These questions pertain to long term debt that applies or will be applied to the affected property.

A. Do agencies whose boundaries are being changed have existing bonded debt?  
\_\_\_\_\_ If so, please describe.

B. Will the proposal area be liable for payment of its share of this existing debt?  
\_\_\_\_\_ If yes, how will this indebtedness be repaid (property taxes, assessments, water sales, etc.)

C. Should the proposal area be included within any 'Division or Zone for debt repayment? \_ If yes, please describe.

D. (For detachments) Does the detaching agency propose that the subject territory continue to be liable for existing bonded debt? \_\_\_\_\_. If yes, please describe.

19. Environmental Impact of the Proposal

A. Who is the "lead agency" for this proposal? \_\_\_\_\_

B. What type of environmental document has been prepared?

Categorically Exempt -- Class \_\_\_\_ EIR \_\_\_\_ Negative Declaration \_\_\_\_  
Mitigated ND \_\_\_\_\_ Subsequent Use of Previous EIR \_\_\_\_\_ Identify the  
prior EIR. \_\_\_\_\_



TABLE A

Information regarding the areas surrounding the proposal area

	<b>Existing Land Use</b>	<b>General Plan Designation</b>	<b>Zoning Designation</b>
East			
West			
North			
South			

Other comments or notations:

RESOLUTION OF APPLICATION OF THE CITY OF MARTINEZ  
INITIATING PROCEEDINGS FOR THE NORTH PACHECO ANNEXATION

WHEREAS, the City of Martinez desires to initiate a proceeding for the adjustment of boundaries specified herein;

NOW, THEREFORE, the City of Martinez does hereby resolve and order as follows:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.
2. This proposal is an annexation to the City of Martinez.
3. A map of the affected territory is set forth in Exhibit A, attached hereto and by reference incorporated herein.
4. The reasons for the proposal are: The City of Martinez considers this area an important gateway into the City. Annexation of the parcels will create a city boundary that includes properties that are immediately adjacent to City of Martinez properties, allowing for a more logical jurisdictional boundary.

In this manner the proposed boundaries provide a logical, definite and certain physical area which is consistent with the lines of assessment and ownership and does not create islands of unincorporated territory. The proposed land area and land uses located therein are consistent with the City of Martinez General Plan and John Muir Specific Plan and incorporates policies and land use designations that are the same or substantially similar to those currently applicable to the annexation area within the County of Contra Costa. The annexation area is in close proximity to other similarly populated areas which are currently located within the City limits of the City of Martinez. No additional growth in the area is currently proposed, however, any growth which may occur in the annexation area or in the area of the City adjacent thereto at some point in the future would require urban services, such as water, sewer, park and recreation, police, fire and other municipal and special district services which are appropriately located in an incorporated area.

Currently, the area proposed for annexation is serviced by the Contra Costa County municipal services including sheriff protection, public works, and road maintenance. The City has conducted an economic impact analysis and found that municipal services would be funded through a Tax Sharing Agreement to be negotiated between the City and County and potential sales tax. It is appropriate at this time that the properties located within the proposed annexation area be a part of the City property tax base which helps to pay the cost of these important governmental services. The proposed action will have a positive effect on adjacent areas, the social and economic interests of the City and County as a whole and on the orderly

structure of local governments in the County, by placing properties receiving urban services appropriately within incorporated areas of a City. Such action is consistent with the LAFCO policies on providing planned, orderly and efficient patterns of urban development.

In addition, said proposal is consistent with the policies and priorities set forth in Government Code Section 56377 in that no conversion of open space lands is proposed as part of the annexation area and in fact the City’s land use designations and pre-zoning of the area proposed to be annexed preserves all open space designations and zoning which currently exist in the area pursuant to County jurisdiction. In addition, residential designations and zoning within the proposed annexation area are also preserved by the land use designations and pre-zonings adopted by the City to be applicable to the annexation area. The proposed annexation area is consistent with City land use designations and the City of Martinez General Plan. The City of Martinez has prepared an initial study evaluating the environmental impacts of the proposed land use regulations and annexation and has, by separate resolution, adopted a Negative Declaration relating thereto.

- 5. The proposal is consistent with the Sphere of Influence of the annexing City.
- 6. Consent is hereby given to the waiver of conducting authority proceedings.

PASSED AND ADOPTED this 19th day of January 2011

\_\_\_\_\_  
Mayor

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

*Reference: Government Code Section 56654*

RESOLUTION NO. -11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARTINEZ ADOPTING  
A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL  
QUALITY ACT (CEQA) AND AMENDING THE GENERAL PLAN LAND USE MAP  
APPLICABLE TO THE NORTH PACHECO ANNEXATION AREA**

**WHEREAS**, the City of Martinez has initiated the process to annex a portion of Contra Costa County. The project area is collectively known as the North Pacheco Annexation Area located at the intersection of Interstate Highway 680 and Highway 4 and extends north along Pacheco Avenue to the Burlington Northern Sante Fe (BNSF) Railroad trestle, which demarks its most northern boundary. The area is located within the northeastern portion in unincorporated Contra Costa County outside the eastern boundary of the City of Martinez but within the City's sphere of influence and County Urban Limit Line. The annexation area consists of approximately 111 acres; 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 North Pacheco Annexation Area ("Project"):

- Adopt a Negative Declaration pursuant to the California Environmental Quality Act (CEQA);
- Amend the Martinez General Plan (John Muir Parkway Specific Area Plan) Land Use Map to show the annexation area and the new associated land use designations to be applicable to the area proposed to be annexed;
- Amend the Zoning Ordinance to include new zoning designation P-1 (Planned Unit Development) to allow for Contra Costa County's Planned Unit Development designation and approved Planned Developments to be incorporated into the City's Zoning Ordinance and Map;
- Amend the 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 of the properties to be annexed;
- Approve a City-Initiated LAFCO application.

**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 California Environmental Quality Act (CEQA) the City has conducted an Initial Study to evaluate the Project's potential impacts on the environment. The Initial Study and Negative Declaration are attached hereto as Exhibit A and incorporated herein by reference; and

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

**WHEREAS**, on August 6, 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 November 23, 2010 and unanimously adopted Resolution PC 10-08 to adopt the proposed Negative Declaration, approve the land use designations and new zoning designation and submission of an application to the Contra Costa Local Agency Formation Commission; and

**WHEREAS**, the Record of Proceedings ("Record") upon which the City Council bases its decision regarding the Initial Study and Negative Declaration includes, but is not limited to: (1) the Initial Study and Negative Declaration, and the technical reports cited in and/or relied upon in preparing the Initial Study and Negative Declaration, (2) all staff reports, City files and records and other documents prepared for and/or submitted to the Planning Commission relating to the Initial Study and Negative Declaration, (3) the City of Martinez General Plan, its related EIR and the Martinez Municipal Code, (4) all documents, designs, plans, studies, data and correspondence submitted in connection with the Initial Study, Negative Declaration or the Project, (5) all documentary and oral evidence received at public hearings or submitted to the City during the comment period relating to the Initial Study, Negative Declaration, (6) prior CEQA documents prepared relating to the Project site, and (7) all other matters of common knowledge to the Planning Commission, and the City, including, but not limited to, City, State and Federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas; and

**WHEREAS**, the location and custodian of the Record is the City Clerk of the City of Martinez 525 Henrietta Street, Martinez, CA.

**NOW, THEREFORE,** the City Council of the City of Martinez finds and resolves the following:

That the above recitals are found to be true and constitute part of the findings upon which this resolution is based.

That the Negative Declaration has been prepared and circulated in accordance with CEQA and reflects the City's independent judgment and analysis.

That there is no substantial evidence in light of the whole Record, that the Project may have a significant effect on the environment and recommends that the proposed Negative Declaration be adopted as set forth in Exhibit B, attached hereto and incorporated herein by reference.

That the Planning Commission has considered the Initial Study and proposed Negative Declaration before making its recommendation on the Project as set forth herein.

1. That the City Council has considered the Initial Study and adopted Negative Declaration before making its decision on the project as set forth herein.
2. That the Project and each and every action which is a part thereof is consistent with the Martinez General Plan and that the General Plan Amendment which are a part of the Project are internally consistent with the remaining portion of the General Plan and adopts the findings relating thereto as set forth in Exhibit C, attached hereto and incorporated herein by reference.
3. That, based on the Record and the findings set forth herein, the City Council hereby amends the General Plan Land Use Map as set forth in Exhibit E, attached hereto and incorporated herein by reference.
4. That, based on the Record and the findings set forth herein, that the City Council adopt an ordinance to amend the Martinez Municipal Code Chapter 22 (Zoning Ordinance) to include the new P-1 Planned Development District, as set forth in Exhibit H, attached hereto and incorporated herein by reference.
5. That, based on the Record and the findings set forth herein, the Planning Commission hereby recommends that the City Council adopt an ordinance to amend the Martinez Municipal Code Zoning Map to show the annexation area and the new zoning districts and pre-zone the properties in the North Pacheco annexation area as set forth in Exhibit G, attached hereto and incorporated herein by reference.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 19<sup>TH</sup> day of January, 2011, by the following vote:

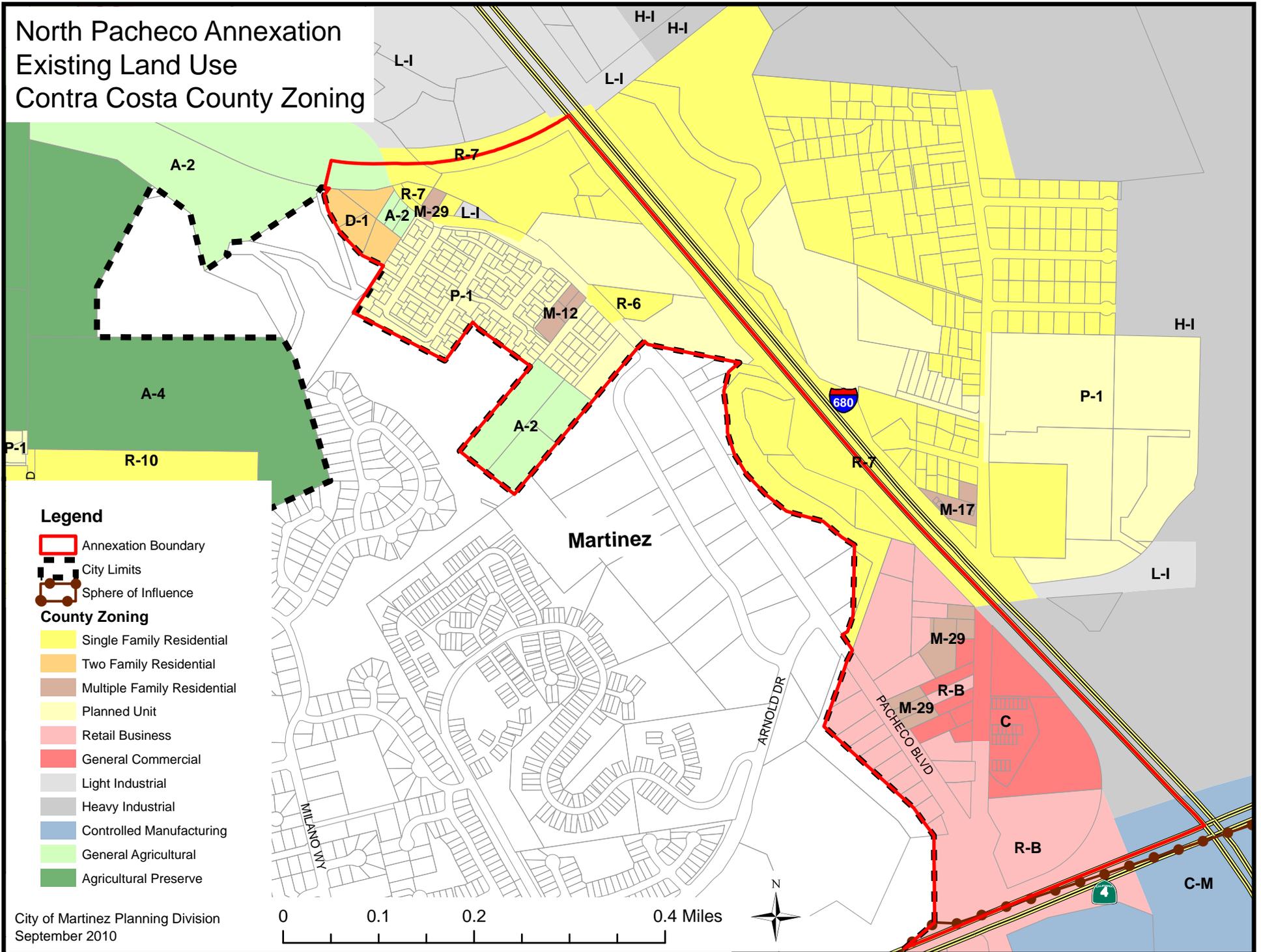
AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ

# North Pacheco Annexation Existing Land Use Contra Costa County Zoning



## Legend

- Annexation Boundary
- City Limits
- Sphere of Influence
- County Zoning**
- Single Family Residential
- Two Family Residential
- Multiple Family Residential
- Planned Unit
- Retail Business
- General Commercial
- Light Industrial
- Heavy Industrial
- Controlled Manufacturing
- General Agricultural
- Agricultural Preserve

City of Martinez Planning Division  
September 2010

0 0.1 0.2 0.4 Miles



ORDINANCE NO. C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ ADDING CHAPTER 22.21 (PLANNED UNIT DISTRICTS) TO THE MARTINEZ MUNICIPAL CODE, RELATING TO THE ADOPTION OF NEW ZONING REGULATIONS FOR EXISTING PLANNED DEVELOPMENTS ANNEXED FROM CONTRA COSTA COUNTY

THE CITY COUNCIL OF THE CITY OF MARTINEZ DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 22.21 of the Martinez Municipal Code is hereby added to read as follows:

CHAPTER 22.21  
PLANNED UNIT DISTRICT

**22.21.010 Applicability.**

In addition to the purposes prescribed in Sections 22.02.010 of this Title, the Planned Unit District is included in the zoning regulations to allow the completion and continuing conforming status of developments that were approved by Contra Costa County, pursuant to its Planned Unit District regulations prior to annexation by the City. This District is not intended to allow for new developments, or for major modifications to previously approved yet uncompleted developments.

**22.21.020 Establishment and Purpose.**

The P-1; Planned Development District, is hereby established in order to recognize those existing and permitted large-scale integrated developments, where flexible regulations had been applied to individual developments, as such were designated by the County within its Planned Unit Districts.

**22.21.030 Use Regulations**

Residential uses that have been approved by Contra Costa County, as part of a Final Development Plan within the applicable Planned Development District.

**22.21.040 Development Standards**

All development standards, including but not limited to: maximum density, minimum lot size, minimum required yards, maximum height, maximum floor area ratio and/or minimum required parking shall be as approved by Contra Costa County, as part of a Final Development Plan within the applicable Planned Development District.

## **22.21.050 Process to Modify Approved Final Development Plans**

- A. Minor Changes. Minor changes, including but not limited to individual unit floor plans and/or Design Review approvals, shall not be considered be an abandonment of the Final Development Plan, and shall be reviewed as prescribed by the Final Development Plan, or if no process is therein specified, as directed by the Community Development Director. The Director may defer such requests to the Design Review Committee and/or Planning Commission.
- B. Major Changes. Major changes, including but not limited to project's land uses, maximum development density and/or maximum number of units per building shall be considered an abandonment of the Final Development Plan and cannot be approved within the P-1 Planned Development District. Approval of such changes require approval of a Planned Unit Development pursuant to Chapter 22.42; Planned Unit Developments.
- C. Projects for which Tentative Maps have Expired. Unless major changes to a previously approved Final Development Plan are requested (pursuant to subsection B. above), projects within a P-1 Planned Development District with expired tentative maps may reapply for new tentative map pursuant to Title 21; Subdivisions without approval of a new Planned Unit Development pursuant to Chapter 22.42.

**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

\* \* \* \* \*

**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 19th day of January, 2011, and duly passed and adopted at a Regular Meeting of said City Council held on the \_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ

ORDINANCE NO. \_\_\_\_\_ C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ  
PREZONING PARCELS COVERING APPROXIMATELY 111 ACRES IN THE NORTH  
PACHECO ANNEXATION AREA TO A COMBINATION OF R-1.5 (RESIDENTIAL,  
1500 SQUARE FEET PER UNIT; 10,000 SQUARE FEET MINIMUM PARCEL  
SIZE); R-3.5 (RESIDENTIAL 3500 SQUARE FEET PER UNIT; 4000 SQUARE  
FEET MINIMUM PARCEL SIZE); M-GF/SC (GOVERNMENT  
FACILITIES/SERVICE COMMERCIAL; M-SC/LI (MIXED USE SERVICE  
COMMERCIAL/SERVICE COMMERCIAL); OS (OPEN SPACE) AND P-1 (PLANNED  
UNIT DEVELOPMENT)

**WHEREAS**, the City of Martinez has initiated the process to annex a portion of Contra Costa County. The project area is collectively known as the North Pacheco Annexation Area located at the intersection of Interstate Highway 680 and Highway 4 and extends north along Pacheco Avenue to the Burlington Northern Sante Fe (BNSF) Railroad trestle, which demarks its most northern boundary. The area is located within the northeastern portion in unincorporated Contra Costa County outside the eastern boundary of the City of Martinez but within the City's sphere of influence and County Urban Limit Line. The annexation area consists of approximately 111 acres; 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 North Pacheco Annexation Area ("Project"):

- Adopt a Negative Declaration pursuant to the California Environmental Quality Act (CEQA);
- Amend the Martinez General Plan (John Muir Parkway Specific Area Plan) Land Use Map to show the annexation area and the new associated land use designations to be applicable to the area proposed to be annexed;
- Amend the Zoning Ordinance to include new zoning designation P-1 (Planned Unit Development) to allow for Contra Costa County's Planned Unit Development designation and approved Planned Developments to be incorporated into the City's Zoning Ordinance and Map;
- Amend the 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 of the properties to be annexed;
- Approve a City-Initiated LAFCO application.

**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 California Environmental Quality Act (CEQA) the City has conducted an Initial Study to evaluate the Project's potential impacts on the environment. The Initial Study and Negative Declaration are attached hereto as Exhibit A and incorporated herein by reference; and

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

**WHEREAS**, on August 6, 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 November 23, 2010 and unanimously adopted Resolution PC 10-08 to adopt the proposed Negative Declaration, approve the land use designations and new zoning designation and submission of an application to the Contra Costa Local Agency Formation Commission; and

**WHEREAS**, by the adoption of Resolution \_\_\_\_\_, the City Council has adopted the Negative Declaration prepared for the proposed Project; and has amended the General Plan for the proposed Project; and

**WHEREAS**, by the introduction of Ordinance No. \_\_\_\_\_ C.S., the City Council has amended the zoning ordinance to include zoning regulations to be applied to the proposed P-1 Zoning District; 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 R-1.5 (Residential, 1500 square feet per unit; 10,000 square feet minimum parcel size) Zoning District is

consistent with approved the "Residential R 19-25 units/acre" land use designation, as both allow multi-family development at a density of up to 25 units per acre; and

- b) The R-3.5 (Residential 3,500 square feet per unit; 4,000 square feet minimum parcel size) Zoning District is consistent with approved the "Residential R 7-12 units/acre" land use designation, as both allow single-family development at a density of up to 12 units per acre; and
- c) The M-SC/LI (Mixed Use Service Commercial/Service Commercial) Zoning District is consistent with the approved "Commercial" and "Research and Development" land use designations, which allow the applicable non-residential land uses; and
- d) The M-GF/SC (Government Facilities/Service Commercial Zoning District is consistent with the approved "Public Institutions" land use designations, which allow the applicable non-residential land uses; and
- e) The OS (open Space) Zoning District is consistent with the approved "Open Space" land use designations; and
- f) The P-1 (Planned Unit Development) Zoning District, as applied to Contra Costa County's approved Planned Unit Development designation and associated regulations, is consistent with approved the "Residential R 7-12 units/acre" land use designation.

2. The proposed Zoning Districts are consistent with applicable General Plan policies, in that the goals and objectives of the Land Use Element (21) are to be implemented by the proposed Zoning Districts:

21.23 - Dedication shall be required for open spaces having scenic, recreation or habitat value where natural and man-made conditions permit economic use of a sufficient portion of the land holding with lower open space values. The balance shall be developed in accordance with other general plan policies.

By extending its land use authority to the proposed annexation area, the City implements the above policies by continuing the balance of urban uses in low lying areas and preserving as open space, the more visually prominent hillsides.

**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 North Pacheco Annexation 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

\* \* \* \* \*

**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 19th day of January, 2011, and duly passed and adopted at a Regular Meeting of said City Council held on the \_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ