



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
February 2, 2011**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Adopting Ordinance 1361 and 1362 C.S. (North Pacheco Annexation)
DATE: January 24, 2011

RECOMMENDATION:

Adopt Ordinance No. 1361 C.S. amending the Martinez Municipal Code by adding Chapter 22.21 (Planned Unit Districts) relating to the adoption of new zoning regulation for existing planned development annexed from Contra Costa County; and adopt Ordinance 1362 C.S. 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).

BACKGROUND:

At the City Council meeting of December 15, 2010 the above ordinances were 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 the following ordinances:

- A) Ordinance No. 1361 C.S. Code by adding Chapter 22.21 (Planned Unit Districts) relating to the adoption of new zoning regulation for existing planned development annexed from Contra Costa County; and
- B) Ordinance 1362 C.S. Prezoning parcels covering approximately 111 acres in the North Pacheco Annexation.

Attachments

APPROVED BY:

City Manager

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 2nd day of February, 2011, 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, 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 No, 002-11, 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" 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.

3. The proposed Zoning Districts are consistent with applicable policies of the John Muir Specific Area Plan, in that the goals and objectives of the Plan are to be implemented by the proposed Zoning Districts:

33.2 ("Major Goal") - The intent of the John Muir Parkway Specific Area Plan is to achieve a high quality development program which serves as a link between old and new Martinez, expands housing, work, recreation and social opportunities, provides a sense of community identity and enhances the image of the city.

33.21 - Achieve an urban development pattern which maximizes use of limited land resources while conserving and enhancing the natural terrain and environmental features.

33.22 - Achieve a mixed, high density development pattern of physically and functionally integrated residential, commercial, and office land uses to take advantage of the high freeway accessibility.

33.24 - Promote a land use pattern which represents the highest and best use of the land, meets economic and planning needs in a timely fashion, and contributes to the tax base rather than adversely competing with the existing commercial base of the City.

33.28 - Improve the aesthetic appeal of the entrances to the City of Martinez and insure the high scenic quality of natural and manmade elements viewed with the John Muir parkway Scenic Highway Corridor.

33.29 - Promote community identification with the City of Martinez and encourage systematic annexation of unincorporated lands with the City's sphere of influence.

The above policies are to be implemented by the proposed annexation, and by the City's implementation of its heightened development review standards for the area.

The City Council of the City of Martinez does ordain as follows:

SECTION 1. The Zoning Map is hereby amended to show the prezonings 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.

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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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AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

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

DRAFT

