

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ APPROVING
A ZONING MAP AMENDMENT FROM PRE-ZONING OF M-29-P to R-1.5 ZONING
DISTRICT FOR TWO CONTIGUOUS PROPERTIES LOCATED AT 3128 SYCAMORE
STREET AND 1044 SANTA FE AVENUE, ASSESSORS' PARCEL NUMBERS 375-311-
001 AND -003**

WHEREAS, the City of Martinez, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the Property Owner obtained County approval of a Tentative Subdivision Map (SF05-064) subdividing the site into thirty lots and Development Plan (DP05-3095) allowing construction of thirty townhome units on the Project property; and

WHEREAS, in 1981, the City pre-zoned the Project area to Multiple Family Residential (M-29-P) to allow a maximum density of 29 units per acre ("Ordinance No. 955"). The equivalent zoning district in the current Martinez Municipal Code ("MMC") is R-1.5—Multifamily Residential District; and

WHEREAS, the Project site is designated Residential Very High (RVH) in the Martinez General Plan 2035 which correlates to the R-1.5 zoning and County-approved 30-unit development; and

WHEREAS, under provisions of the California Environmental Quality Act ("CEQA") this project is exempt under Section 15305. This exemption applies to minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density. This Zoning Map Amendment would update the property's zoning designation to reflect the current Martinez Municipal Code. This action would not result in any change in land use or density, and is therefore exempt from CEQA; and

WHEREAS, the Planning Commission of the City of Martinez held a duly noticed public hearing on April 25, 2023, considered all oral and written comments received at or prior to the public hearings on the matter and adopted Resolution No. 23-05, recommending approval of the project to the City Council; and

WHEREAS, the City Council finds that the proposed pre-zoning is consistent with the General Plan in that the proposed pre-zoning is consistent with the General Plan Land Use Designation of Residential Very High (RVH).

SECTION I: DETERMINATIONS

The Zoning Map is hereby amended to pre-zone the property commonly referred to as 3128

Sycamore Street and 1044 Santa Fe Avenue, APNs 375-311-001 and 375-311-003 ("Subject Property"), to R-1.5 (Multifamily Residential District) as shown in Exhibit A, attached hereto and incorporated herein by reference.

SECTION II. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Martinez hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

SECTION III. PUBLICATION AND EFFECTIVE DATE

This ordinance shall become effective 30 days after the date of adoption.

At least five 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

BRIANNE ZORN
MAYOR

ATTEST

KAT GALILEO
ASSISTANT CITY CLERK

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance that was duly introduced at a Regular Meeting of the City Council of the City of Martinez, held on the 17th day of May, 2023, and adopted at a regular meeting of the City Council of the City of Martinez, held on the 7th day of June, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD G. HERNANDEZ
CITY CLERK

Approved as to form:

TERRI HIGHSMITH
CITY ATTORNEY

Exhibit A: Zoning Map Amendment

