

ORDINANCE NO. XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ APPROVING A ZONING MAP AMENDMENT FOR THE PROPERTIES LOCATED AT 0 MORELLO AVENUE (APN 161-301-038), 0 MORELLO AVENUE (APN 161-212-020), 0 MORELLO AVENUE (APN 161-212-021) FROM THEIR CURRENT ZONING DISTRICT DESIGNATIONS TO R-6.0 ONE FAMILY RESIDENTIAL DESIGNATION; APPROVING A ZONING MAP AMENDMENT FOR THE PROPERTIES LOCATED AT 210 MUIR STATION ROAD (APN 162-263-002), 270 MUIR STATION ROAD (APN 162-263-007), 130 MUIR STATION ROAD (APN 162-263-010) FROM THEIR CURRENT ZONING DISTRICT DESIGNATIONS TO R-3.5 MULTIFAMILY RESIDENTIAL DESIGNATION; AND FINDING THE IMPACTS OF THIS ACTION WERE PREVIOUSLY ANALYZED IN A PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE GENERAL PLAN 2035 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 State of California requires that cities adopt a General Plan to guide their long-term physical growth and development and General Plans contain the goals and policies upon which city councils and planning commissions base their land use decisions; and

WHEREAS, the General Plan is required by State law to contain a land use map which establishes the land use designations, including the density and intensity of residential development, to implement the General Plan goals and policies for new development within the city; and

WHEREAS, on November 2, 2022, the City of Martinez certified a programmatic Environmental Impact Report and adopted a comprehensive update of its General Plan, including an updated land use map; and

WHEREAS, pursuant to General Plan 2035 and the General Plan land use map, the zoning designations of certain residential parcels within the City are not consistent with the General Plan land use designations; and

WHEREAS, the Subject Properties depicted in Table 1 below ("Properties Proposed for Zoning Map Amendment"), are listed by assessor parcel number and situs address and each property's General Plan land use designation, current zoning, and proposed zoning; and

Table 1 – Properties Proposed for Zoning Map Amendment				
Assessor Parcel Number	Address	General Plan Land Use Designation	Current Zoning	Proposed Zoning
161-301-038	0 Morello Avenue	Residential Low	A-1	R-6.0

161-212-020	0 Morello Avenue	Residential Low	R-8	R-6.0
161-212-021	0 Morello Avenue	Residential Low	R-8	R-6.0
162-263-002	210 Muir Station Road	Residential Medium	R-40	R-3.5
162-263-007	270 Muir Station Road	Residential Medium	R-3.5/PUD; R-40	R-3.5
162-263-010	130 Muir Station Road	Residential Medium	R-40	R-3.5

WHEREAS, the General Plan 2035 land use designation of Residential Low (“RL”) allows a residential density range of 1.1 to 6.0 dwelling units per acre. The equivalent and consistent zoning district in the Martinez Municipal Code (“MMC”) is R-6.0 – Single Family Residential District; and

WHEREAS, the General Plan 2035 land use designation of Residential Medium (“RM”) allows a residential density range of 6.1 to 12.0 dwelling units per acre. The equivalent and consistent zoning district in the MMC is R-3.5 – Multifamily Residential District; and

WHEREAS, under provisions of the California Environmental Quality Act (“CEQA”) the potential impacts from future redevelopment of these parcels at the residential density levels allowed in the proposed rezoning were previously analyzed in the programmatic Environmental Impact Report (“EIR”) prepared for the General Plan 2035 and certified by the City Council on November 2, 2022. This Zoning Map Amendment would update the property’s zoning designation to be consistent with the City’s current Municipal Code and General Plan 2035. This action will not result in any unanalyzed change in land use or density, and therefore no further environmental review is required pursuant to CEQA; and

WHEREAS, the Planning Commission of the City of Martinez held a duly noticed public hearing on May 23, 2023, considered all oral and written comments received at or prior to the public hearings on the matter and adopted Resolution No. 23-06 recommending approval to the City Council; and

WHEREAS, the City Council of the City of Martinez held a duly noticed public hearing on June 7, 2023, considered all oral and written comments received at or prior to the public hearings on the matter; and

WHEREAS, two additional parcels, 0 Fig Tree Lane (APN 161-100-018) and 0 Fig Tree Lane (APN 161-100-025), were originally proposed for a Zoning Map Amendment due to inconsistency between the General Plan land use designation of **Residential Low (RL)** and the existing zoning of R-2.5, but the City Council determined to postpone the amendment of these parcels to a later date; and

WHEREAS, the City Council finds that the proposed Zoning Map Amendment is consistent

with the General Plan 2035 in that the proposed zoning is consistent with the General Plan 2035 land use designations of **Residential Low (RL)** for Assessor Parcel Numbers: 161-301-038, 161-212-020, 161-212-021; and **Residential Medium (RM)** for Assessor Parcel Numbers: 162-263-002, 162-263-007, and 162-263-010.

SECTION I: DETERMINATIONS

The Zoning Map is hereby amended to rezone the six properties in Table 2 below ("Subject Properties") to the residential zoning districts as shown in Exhibit A-B – Zoning Map Amendments, attached hereto and incorporated herein by reference.

Table 2. Subject Properties			
Assessor Parcel Number	Situs Address	General Plan Land Use Designation	Zoning
161-301-038	0 Morello Avenue	Residential Low	R-6.0
161-212-020	0 Morello Avenue	Residential Low	R-6.0
161-212-021	0 Morello Avenue	Residential Low	R-6.0
162-263-002	210 Muir Station Road	Residential Medium	R-3.5
162-263-007	270 Muir Station Road	Residential Medium	R-3.5
162-263-010	130 Muir Station Road	Residential Medium	R-3.5

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 7th day of June, 2023, and adopted at a regular meeting of the City Council of the City of Martinez, held on the 21st day of June, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

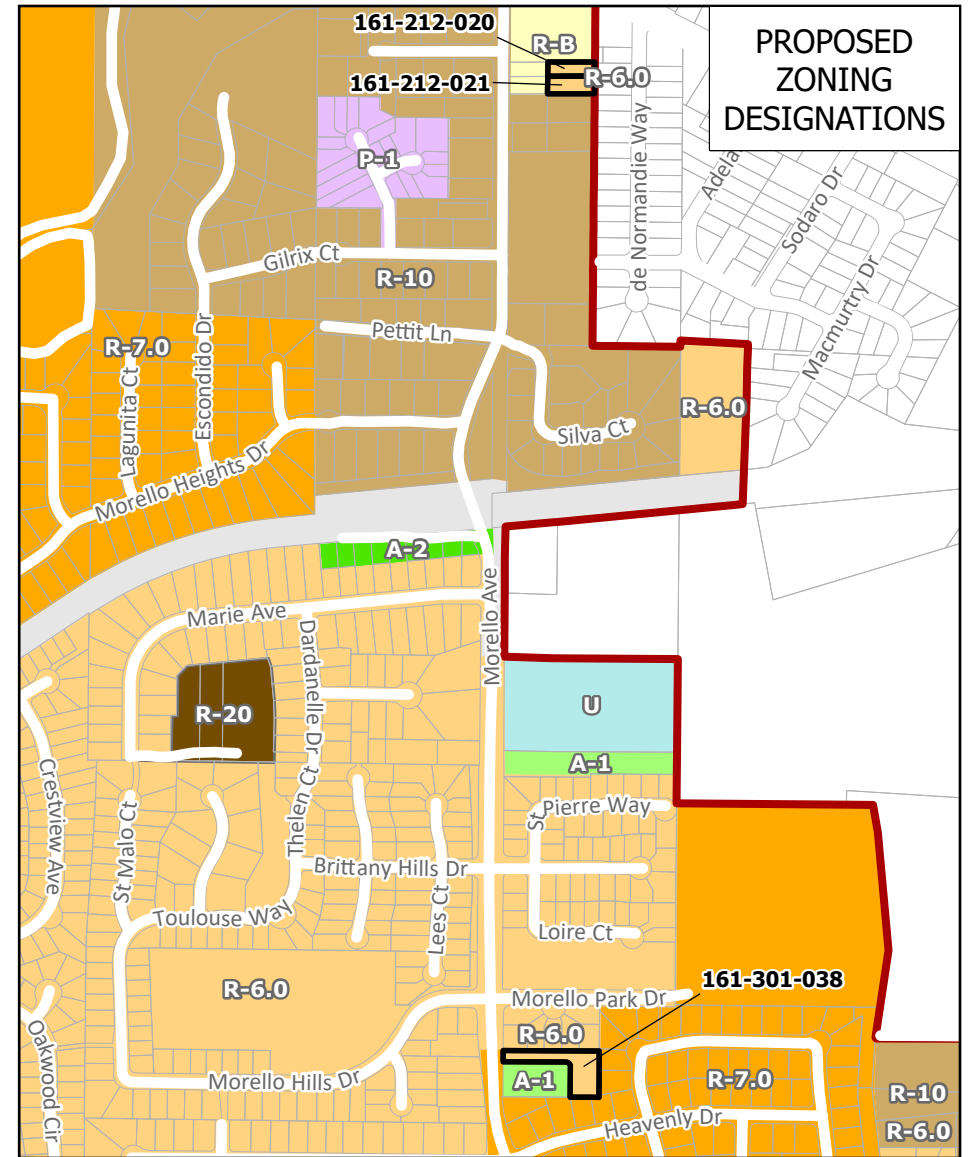
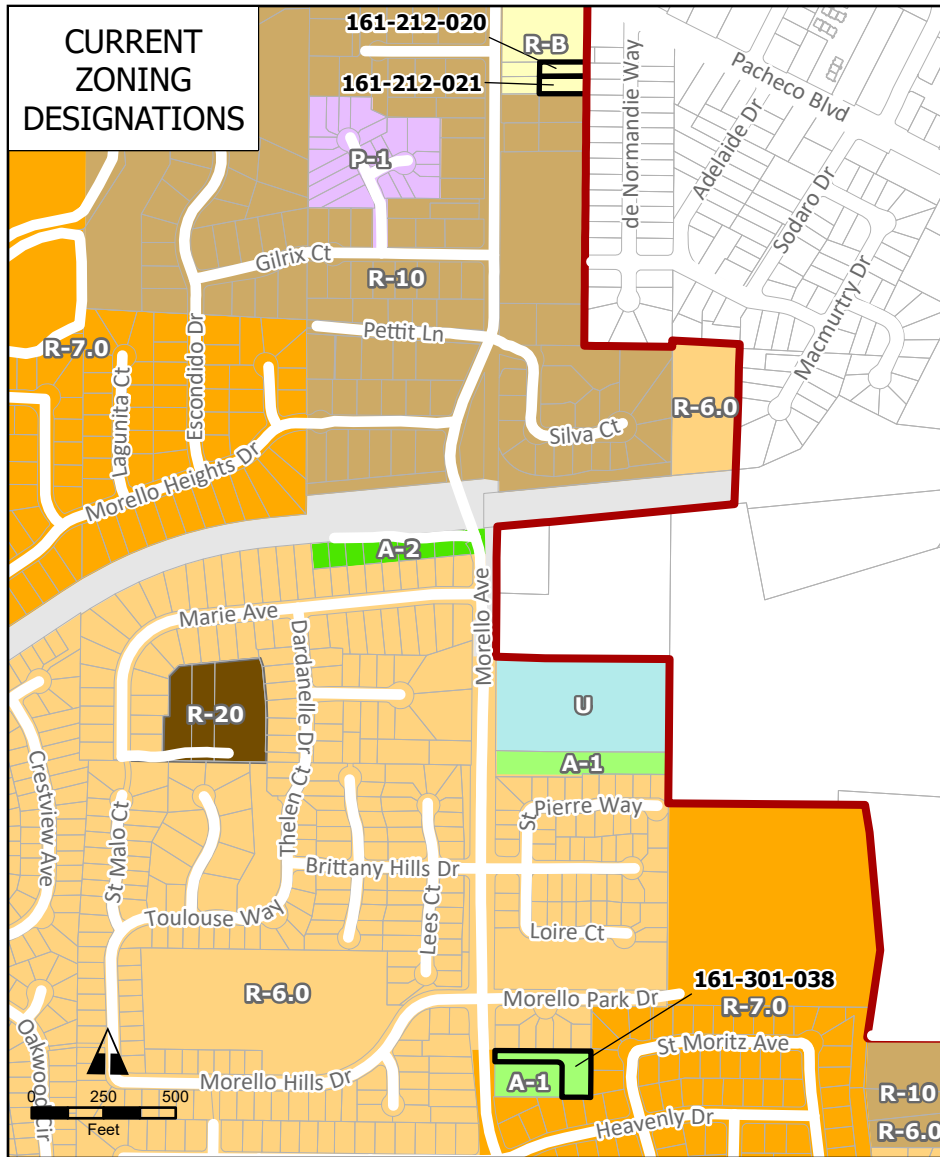
ABSENT:

RICHARD G. HERNANDEZ
CITY CLERK

Approved as to form:

TERRI HIGHSMITH
CITY ATTORNEY

Exhibit A - Zoning Map Amendment

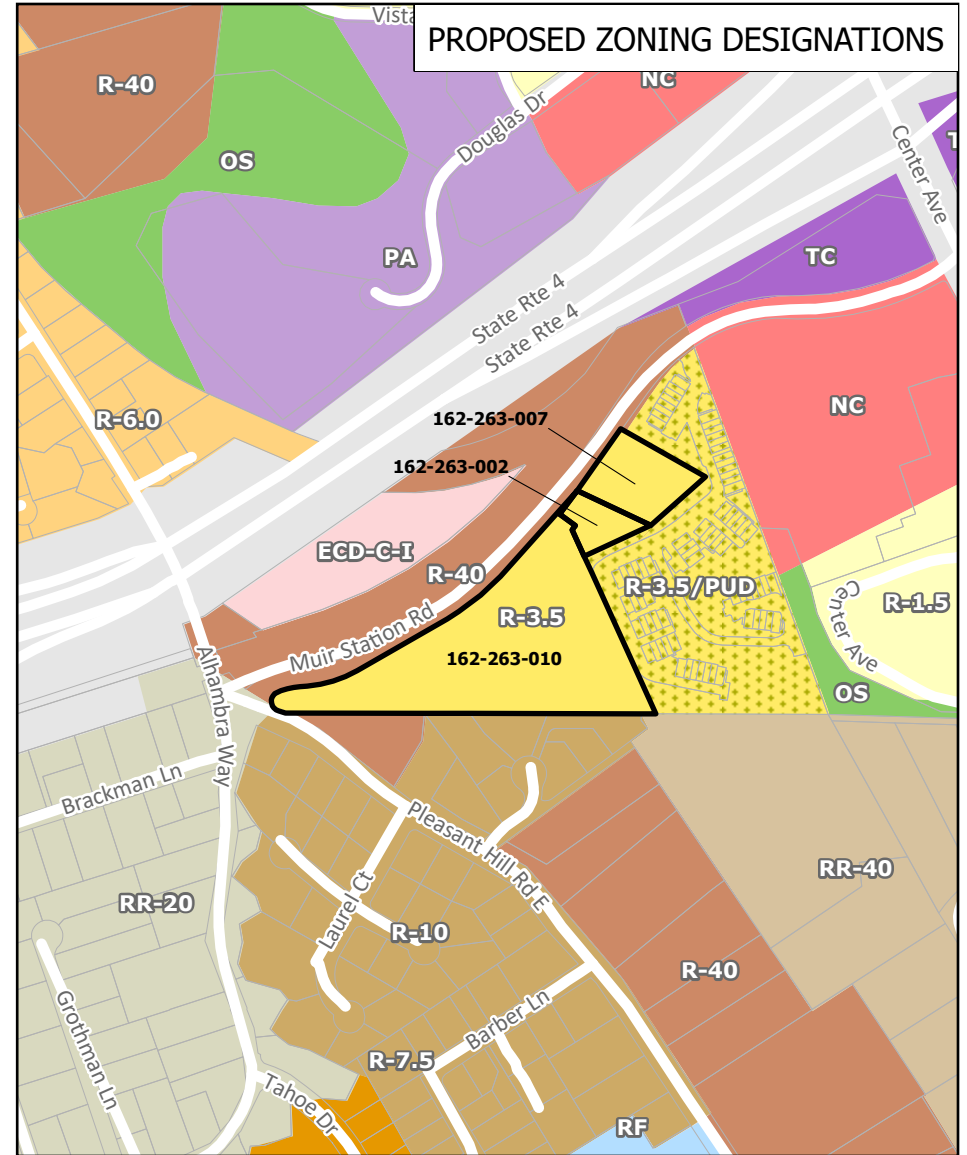
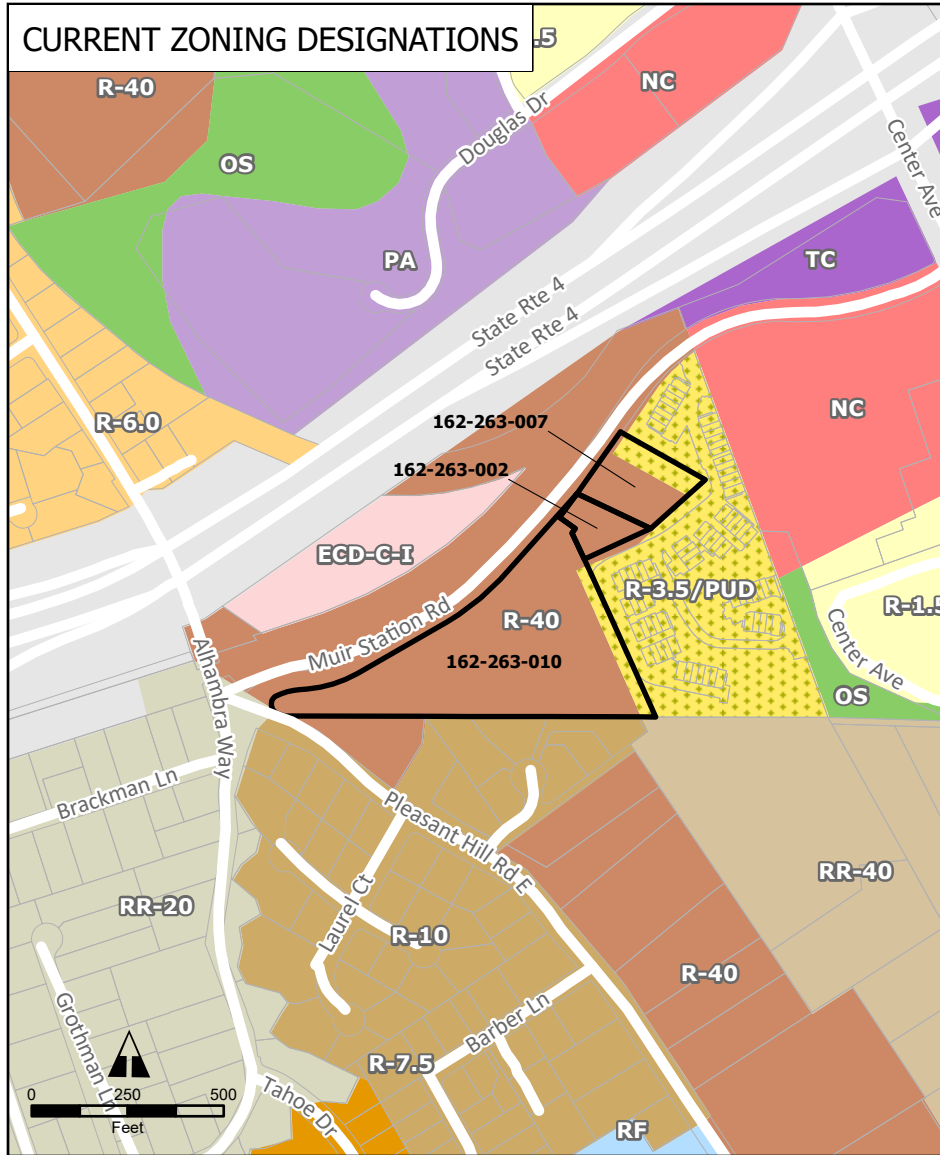


Legend

- Parcel to Rezone
- Assessor Parcel Boundary
- Martinez City Boundary
- A-1
- A-2
- P-1
- R-6.0
- R-7.0
- R-B
- R-10
- U
- R-20

CITY OF MARTINEZ REZONE MAP MORELLO AVENUE PARCELS

Exhibit B - Zoning Map Amendment



Legend

Parcel to Rezone	PA	R-7.5
Assessor Parcel Boundary	R-1.5	RF
Zoning	R-10	RR-20
ECD-C-I	R-3.5/PUD	RR-40
NC	R-40	TC
OS	R-6.0	R-3.5

CITY OF MARTINEZ REZONE MAP MUIR STATION ROAD PARCELS