



PLANNING COMMISSION REGULAR AGENDA

DATE: Tuesday, September 10, 2024
TIME: 7:00 PM
PLACE: Council Chamber

INFORMATION FOR THE PUBLIC Information regarding meetings, including agenda materials, schedules and more, please visit the City's Meetings & Agendas webpage:
<https://www.cityofmartinez.org/government/meetings-and-agendas>.

REMOTE PARTICIPATION This meeting will be conducted in-person in the City Hall Council Chamber and shall be aired in real time via Zoom. The City cannot guarantee the public's access to teleconferencing technology, nor guarantee uninterrupted access as technical difficulties may occur from time to time. If attending via Zoom, please join us by choosing any of the following options:

Via Mobile Phone or Desktop, using the Zoom App direct link: <https://cityofmartinez-org.zoom.us/j/95279026082>

1. Via Web Browser, from <https://zoom.us/join>

- a. Webinar ID: 952-7902-6082
- b. Passcode: 874919

2. Via Phone by calling (669) 900-6833 and enter the provided meeting details above.

PUBLIC COMMENTS Public comments can be made in person at the meeting or submitted in writing. Written comments must be received by 12pm, the day of the meeting. For information on how to submit written comments, please visit the City's Meetings & Agendas webpage linked above.

ADA ACCOMODATIONS In accordance with the Americans with Disabilities Act and California law, the Council Chamber is wheelchair accessible and disabled parking is available at City Hall. If you are a person with a disability and require modifications or accommodation to attend and/or participate in this meeting, please contact the City Clerk's Office at (925) 372-3512. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

AGENDA CONTINUED TO PAGE 2

CALL TO ORDER – PLEDGE OF ALLEGIANCE

ROLL CALL - Commissioners Joseph Evans, Susan Gustofson, Rochelle Johnson, John Klopp, Jason Martin, Rob Parolek (Alternate), Vice Chair Tracey Casella and Chair Sean Trambley

CIVILITY STATEMENT - As your appointed Governing Board, we will treat each other and the public with patience, civility, and courtesy as a model of the same behavior we wish to reflect in Martinez for the conduct of all City business and community participation. This includes respect for everyone's First Amendment Right to voice their opinion on matters within the City's subject matter jurisdiction, even if that opinion is different from our own. The decisions made tonight will be for the benefit of the Martinez community and not for personal gain.

PUBLIC COMMENT - For items not on the agenda. Non-agenda public comment is limited to matters which are within the subject matter jurisdiction of the Commission, and which are not action items listed elsewhere on the agenda.

CONSENT

- 1 Receive and file withdrawal of request for a Conditional Use Permit and Variance for a proposed mental health rehabilitation center, located at 4110 Alhambra Way, Assessor's Parcel Number 370-291-013. No formal action to be taken.
[Staff Report - 4110 Alhambra Way](#)
[Attachment A - Withdrawal Email, dated September 4, 2024](#)

REGULAR

- 2 Welcome the new Alternate Planning Commissioner Rob Parolek.
[Staff Report - Alternate Commissioner Rob Parolek Introduction](#)
- 3 Conduct a public hearing and adopt Resolution No. 24-07, recommending the City Council to approve:
1) a General Plan Amendment to amend the General Plan 2035 to relocate the Floor Area Ratio standards from the General Plan to the Zoning Ordinance and 2) a Zoning Text Amendment to amend the Martinez Municipal Code ("MMC") by establishing new and amending existing regulations by a) adding Chapter 22.45 (Exceptions); b) adding Chapter 22.81 (Development Incentives and Community Benefits Program); and c) amending Chapters 22.04 (Definitions), 22.10 (Agricultural Districts), 22.12 (Residential Districts), 22.14 (PA Professional and Administrative Districts); 22.15 (Site Development Regulations), 22.16 (Commercial Districts), 22.17 (Affordable Housing Overlay District), 22.18 (Industrial Districts), 22.19 (Civic District), 22.20 (GF Government Facilities Districts), 22.22 (RI Recreational Facilities Districts), 22.23 (Downtown Shoreline District), 22.29 (Alhambra Valley District), 22.36 (Off-Street Parking and Loading Facilities), and 22.43 (Accessory Dwelling Units and Junior Accessory Dwelling Units) by adding definitions for "Community Benefit," "Development Incentive", and "Flexible Community Benefit;" updating the development standards (such as density, height and stories, setbacks, floor area ratio, lot coverage, and private outdoor space) to comply with the aforementioned new Chapters; updating the permitted height to comply with the 2023-2031 Housing Element; adding Floor Area Ratio requirements; clarifying the ADU Bonus Program; permitting Accessory Dwelling Units on properties with religious institutions; and other minor amendments.

Staff Report - General Plan Amendment and Zoning Text Amendments: Development Incentives and Community Benefits Program, Exceptions, Residential Building Height, Floor Area Ratio, and Accessory Dwelling Units

Attachment A - Draft Planning Commission Resolution No. 24-07

Attachment B - Strikethrough and Underlined Version of Proposed Zoning Text Amendments

- 4 Conduct a public hearing and adopt Resolution 24-08, recommending that the City Council adopt an Ordinance approving a Zoning Text Amendment by: 1) adding Chapters 22.58 (Lot Consolidation Incentives) and 22.59 (Project Phasing Facilitation Measures); 2) amending Chapter 22.36 (Off-Street Parking and Loading Facilities) to comply with Assembly Bill (“AB”) 894 regarding shared parking, AB 2097 regarding minimum parking requirements within one-half mile of public transit, and restaurant parking requirements; and 3) amending the definition of “Home Occupation” in Chapter 22.04 (Definitions) of the Martinez Municipal Code.

Staff Report - Lot Consolidation and Project Phasing

Attachment A - Draft Planning Commission Resolution No. 24-08

Attachment B - Strikethrough and Underline Version of Proposed Code Amendments

COMMISSION ITEMS

PLANNING MANAGER UPDATES

COMMUNICATIONS

ADJOURNMENT - Adjourn to a Planning Commission Regular Meeting on Tuesday, September 24, 2024, at 7:00 p.m.

By September 6, 2024, a true and correct copy of this agenda was posted on the City Hall Kiosk, located at 525 Henrietta Street, Martinez, CA 94553, and on the City website at www.cityofmartinez.org.



Administrative Aide III



STAFF REPORT

Planning Commission

Date: September 10, 2024
To: Planning Commission
From: Michael P. Cass, Planning Manager
Prepared By: Imanol Tovar, Planning Technician
Michael P. Cass, Planning Manager
Subject: 4110 Alhambra Way – Conditional Use Permit and Variance for Mental Health Rehabilitation Center

Recommendation

Receive and file withdrawal of request for a Conditional Use Permit and Variance for a proposed mental health rehabilitation center, located at 4110 Alhambra Way, Assessor's Parcel Number 370-291-013. No formal action to be taken.

Background

On April 26, 2022, the Planning Commission adopted Resolution No. 22-01, adopting a Mitigated Negative Declaration and approving a tentative map, Conditional Use Permit, and design review application for the Brookside Senior Assisted Living Facility Project, located at 4110 Alhambra Way.

On July 15, 2024, the applicant filed a Conditional Use Permit for a proposed mental health rehabilitation center and a variance for an eight-foot gate/fence where six feet is permitted.

On September 4, 2024, the applicant withdrew his application. Refer to Attachment A for the withdrawal email.

Attachments

- Attachment A – Withdrawal Email, dated September 4, 2024

From: Dinesh Sawhney
Sent: Wednesday, September 4, 2024 3:27 PM
To: Michael Cass
Cc: Thomas Jurbala
Subject: Re: 4110 Alhambra Way

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Michael:

Thanks for your call today in which you informed me that there is a lot of opposition to the MHRC use from the neighbors and the City code does not allow this use either. Based on our conversation that Staff won't be supporting the project we are withdrawing our Conditional use application for MHRC.

Thanks.

Dinesh Sawhney

American Housing, Inc.
156 Las Quebradas Lane
Alamo, Ca. 94507



STAFF REPORT

Planning Commission

Date: September 10, 2024
To: Planning Commission
From: Michael P. Cass, Planning Manager
Prepared By: Michael P. Cass, Planning Manager
Subject: Commissioner Introduction

Recommendation

Welcome the new Alternate Planning Commissioner Rob Parolek.

Background

On July 31, 2024, the City Council adopted Resolution No. 123-24, approving new appointments to various commissions. Notably, Rob Parolek was appointed as the alternate to the Planning Commission through June 30, 2028. New Alternate Planning Commissioner Parolek will be introduced.

Attachments

None



STAFF REPORT

Planning Commission

Date: September 10, 2024
To: Planning Commission
From: Michael P. Cass, Planning Manager
Prepared By: Brandon Northart, AICP, Associate Planner
Daniel Gordon, Associate Planner
Subject: General Plan Amendment and Zoning Text Amendments: Development Incentives and Community Benefits Program, Exceptions, Residential Building Height, Floor Area Ratio, and Accessory Dwelling Units

Recommendation

Conduct a public hearing and adopt Resolution No. 24-07, recommending the City Council to approve: 1) a General Plan Amendment to amend the General Plan 2035 to relocate the Floor Area Ratio standards from the General Plan to the Zoning Ordinance and 2) a Zoning Text Amendment to amend the Martinez Municipal Code (“MMC”) by establishing new and amending existing regulations by a) adding Chapter 22.45 (Exceptions); b) adding Chapter 22.81 (Development Incentives and Community Benefits Program); and c) amending Chapters 22.04 (Definitions), 22.10 (Agricultural Districts), 22.12 (Residential Districts), 22.14 (PA Professional and Administrative Districts); 22.15 (Site Development Regulations), 22.16 (Commercial Districts), 22.17 (Affordable Housing Overlay District), 22.18 (Industrial Districts), 22.19 (Civic District), 22.20 (GF Government Facilities Districts), 22.22 (RI Recreational Facilities Districts), 22.23 (Downtown Shoreline District), 22.29 (Alhambra Valley District), 22.36 (Off-Street Parking and Loading Facilities), and 22.43 (Accessory Dwelling Units and Junior Accessory Dwelling Units) by adding definitions for “Community Benefit,” “Development Incentive”, and “Flexible Community Benefit;” updating the development standards (such as density, height and stories, setbacks, floor area ratio, lot coverage, and private outdoor space) to comply with the aforementioned new Chapters; updating the permitted height to comply with the 2023-2031 Housing Element; adding Floor Area Ratio requirements; clarifying the ADU Bonus Program; permitting Accessory Dwelling Units on properties with religious institutions; and other minor amendments.

Background

The 2023-2031 Housing Element and 2024 Planning Division Work Plan both include several programs requiring updates to the General Plan 2035 and MMC. These programs include:

- 2023-2031 Housing Element
 - Program 11: Zoning Ordinance Amendments
 - Program 13: Adequate Sites for Lower Income Households
 - Program 15: Access to Opportunities, Density Bonus, and Incentives
- 2024 Planning Division Work Plan
 - Task 4: ADUs and Junior Accessory Dwelling Units (“JADUs”)
 - Task 15: Development Incentives

The programs (or portions thereof) that are being addressed by the Planning Division (“staff”) include the following topic areas:

1. Development Standard Exceptions: Amend the Zoning Ordinance to establish an “exceptions” process to allow projects to allow small deviations from selected development standards.
2. Residential Building Height: Amend residential building height development standards for residential structures to ensure maximum building heights can accommodate maximum allowable.
3. Floor Area Ratio (“FAR”) Regulations: Amend the General Plan 2035 and Zoning Ordinance to ensure that land use controls do not constrain development at maximum densities, including amending the General Plan to relocate FAR regulations into the Zoning Ordinance and adjust FAR standards accordingly.
4. Development Incentives and Community Benefits Program: Implement a range of incentives for developers to facilitate and encourage sites to develop at the densities and intended uses as identified in the 2023-2031 Housing Element’s Sites Inventory, including evaluation of development bonuses in exchange for public benefits.
5. Accessory Dwelling Units (“ADU”): While not explicitly required by the General Plan 2035 or Planning Division Work Plan, staff utilized this opportunity to also include other code clean up items related to ADUs to clarify the requirements associated with the ADU Bonus Program as well as permit ADUs on religious institutional sites.

Each of these proposed amendments is described in detail the Discussion section below and a copy of all revisions to the Zoning Ordinance are provided in Attachment B.

Prior Feedback from City Council

On March 20, 2024, the City Council considered revisions to the City’s industrial zoning policies and regulations, and endorsed removing FAR requirements from the General Plan, revising them to align with existing conditions, moving them into the Zoning Ordinance, and creating an exception process for developments to exceed certain development standards (including FAR) when certain conditions are met.

On June 5, 2024, the City Council conducted a Study Session to provide feedback on a development incentive and community benefits program. Generally, the City Council was supportive of most of staff's proposal with some minor modifications and recommended other items for consideration.

No other items described in this Staff Report and proposed Ordinance were discussed during either the March 20, 2024 or June 5, 2024 City Council meetings.

Discussion

Exceptions

To achieve the objectives of the 2023-2031 Housing Element, staff is proposing the creation of a new Chapter in the MMC that would allow property owners to deviate from certain development standards by a small, predetermined amount. The goal of this program would be to grant developers and property owners a small amount of flexibility to encourage better site and architectural design, and to obviate some of the most common issues that staff normally encounter when reviewing applications. The proposed exceptions to development standards include:

- Building height
- Fence or wall height
- Required setbacks
- FAR
- Lot coverage
- Distance between structures
- Lot size
- Lot width or depth
- Sign size

The MMC already includes an existing process to deviate from some of these development standards, but only through either the variance or conditional use permit process, or where applicable, through state density bonus program. These processes are rigorous and cost-prohibitive for many applicants, for what are, in some instances, non-significant projects with little chance of causing land use conflicts. Further, the City recently established an exception process to deviate from development standards for Accessory Dwelling Units to ensure the evaluation criteria better aligns with the proposed request, rather than the Conditional Use Permit findings. Adding this process to the MMC will allow property owners an alternative pathway for these types of requests.

Exceptions would be broken into two separate categories, "minor" and "major". Minor exceptions would include the development standards mentioned above and would have predetermined thresholds (e.g., building height would be allowed to be increased by five

feet over base height). Major exceptions would be for the same types of deviations but would not be limited to the same predetermined thresholds (e.g., building height could be increased by greater than five feet over base height).

Minor exceptions would be considered by the Planning Manager or designee. If requested as a part of another planning application, then the minor exception request would be reviewed by the respective review authority. Major exceptions would require an applicant to participate in the Development Incentives and Community Benefits Program (described below) and the additional findings must be made.

Building Height

To achieve the objectives of the 2023-2031 Housing Element, staff have proposed amendments to Chapter 22.12 (Residential Districts) of the MMC to revise the City's residential building height standards.

Traditionally, Chapter 22.12 has regulated building height based on the zoning classification for the subject site. Staff have proposed revisions that would change permitted height to instead be based on the maximum allowable unit density. Consistent with the adopted Housing Element and the California Department of Housing and Community Development's direction, the City would allow at least 12 feet in height (one story) for each 10 dwelling units per acre. With the proposed revisions, projects would be allowed to build up to 25 feet or two stories for projects to construct up to 29.5 dwelling units per acre, 36 feet or three stories for projects to construct 30 to 39.5 dwelling units per acre, and 48 feet or four stories for projects to construct 40 to 50 dwelling units per acre. Projects would still be required to comply with the density requirements established for the subject zoning district.

FAR Regulations

FAR is the measurement of a building's total floor area in relation to the size of the parcel it is located on. Before the adoption of General Plan 2035 in November 2022, no properties in the City were subject to FAR and instead staff relied on setbacks, height, and lot coverage requirements, as well as the discretionary design review process, to regulate building massing.

During prior meetings to consider a comprehensive update to the permitted and conditionally-permitted uses in the MMC and industrial zoning incentives, the City Council endorsed relocating FAR Requirements from the General Plan to the Zoning Ordinance, and updating them to better equate with existing conditions.

Development Incentives and Community Benefits Program

The general intent of establishing a “Development Incentives and Community Benefits Program” is to allow developers to exceed certain development standards in exchange for monetary or physical benefits for the community.

The program would create a new “bonus” tier of development standards (also referred to as “development incentives”) for applicable zoning districts that would only be accessible to applicants who voluntarily opt into the program. This “bonus” tier would allow for a deviation from the standard set of development standards up to a predetermined threshold for the following:

- Height and story increases
- Setback reductions
- FAR increases
- Increased lot coverage
- Private outdoor space reductions
- Reduced parking requirements for residential projects
- Increased residential density

Applicants would have the opportunity to select which of these individual development incentives they would like to use and then based on the *quantity* of the requests, a corresponding number of community benefits will need to be provided at a 1:1 ratio. For example, if a project requests to utilize development incentives for 1) height, 2) setbacks, and 3) lot coverage, three corresponding community benefits are required.

The proposed scope for community benefits includes:

1. On-Site Improvements: Three percent of construction valuation provided as improvements constructed and maintained by the applicant at the project site, including historic rehabilitation, Leadership in Energy and Environmental Design (“LEED”) certification from the United States Green Building Council or equivalent certification, public open space, public parking, trail and open space easements, public art, and universal and accessible design.
2. Off-Site Improvements: Three percent of construction valuation provided as improvements constructed and maintained by the applicant that are within 500 feet of the project site which are equivalent to three percent of construction valuation, including right-of-way improvements, façade improvements, and utility undergrounding.
3. Contribution to City-Funded Programs: Five percent of construction valuation provided as a cash contribution to City-funded programs including the Affordable Housing Fund.
4. Flexible Benefits: Three percent of construction valuation provided as other potential community benefits not explicitly provided by the program.

Alternatively, multi-family or mixed-use residential projects with five or more units would also have the option of providing affordable housing in exchange for unlimited development incentive requests without providing any additional community benefits. In addition to development incentives, these projects would also automatically be awarded a residential density bonus (similar to how the California State Density Bonus Law functions) and applicants who dedicate higher percentages of their units to affordable housing, as well as greater levels of affordability, will be awarded a greater bonus to density.

The proposed program would apply to all multi-family residential projects; non-residential projects such as office, industrial, and commercial projects; and mixed-use projects, but would exclude areas in the Protected Open Space and Parks Overlay and other zoning classifications related to parks and open space, agriculture, Alhambra Valley, and other governmental facilities.

Participation in this program would be optional and developers would be required to sign a form waiving their rights to utilize the California State Density Bonus Law. Applicants making use of this program would have any development incentives and community benefits approved by the respective review authority to not add additional barriers to development. The exception to this would be flexible community benefits, which would require City Council approval since an applicant would be proposing to provide the City with a benefit that has not previously been approved.

ADUs

Since its adoption in August 2023, it has come to staff's attention that some of the provisions provided in the ADU Bonus Program of Chapter 22.43 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of the MMC require clarification. As such, staff is proposing amendments to reduce potential conflicts with the Chapter's intent by clarifying the quantity of bonus ADUs that can be permitted.

Additionally, staff are making additional amendments to Chapter 22.43 that would allow up to two ADUs to be constructed on lots with religious institutions. Staff are continuously monitoring what other nearby cities are doing to increase housing production and noticed that the City of Walnut Creek has recently adopted a similar provision. Using their ordinance as an example, staff determined this program could provide value for the Martinez community, especially as interest in ADUs and residential development at religious institutions is increasing.

Additional Zoning Text Amendments

In addition to the above amendments, staff is also proposing several other minor amendments throughout the Zoning Ordinance, including new definitions and addition of bonus development standards associated with the development incentives and community benefits program described above, incorporation of new and amended State laws, conversion of several standards and lists into table format, and other miscellaneous clarifying edits.

Fiscal Impact

The City's budget sufficiently covers the cost of preparing the proposed regulations. Planning Division staff anticipates that the cost will be offset by a non-competitive grant under the Local Early Action Planning ("LEAP") Grant Program.

Implementation of the Development Incentive and Community Benefit Program also could lead to new financial contributions towards City-funding programs and reduce costs through the construction of various off-site improvements.

Environmental Review

The proposed Zoning Text Amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines 15061(b)(3), in that it can be seen with certainty that there is no possibility that the project will have a significant impact on the environment; moreover, any individual development project will be subject to analysis under CEQA and the contents of an individual development project is not foreseeable.

Attachments

- Attachment A – Draft Planning Commission Resolution No. 24-07
- Exhibit A – Draft Ordinance – Zoning Text Amendment
- Exhibit B – Draft City Council Resolution – General Plan Amendment
- Exhibit C – Strikethrough and Underlined Version of General Plan Amendments
- Attachment B – Strikethrough and Underlined Version of Proposed Zoning Text Amendments

PLANNING COMMISSION RESOLUTION NO. 24-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARTINEZ RECOMMENDING THE CITY COUNCIL APPROVE: 1) A GENERAL PLAN AMENDMENT TO AMEND THE GENERAL PLAN 2035 TO RELOCATE FLOOR AREA RATIO STANDARDS FROM THE GENERAL PLAN TO THE ZONING ORDINANCE AND 2) A ZONING TEXT AMENDMENT TO AMEND THE MARTINEZ MUNICIPAL CODE BY ESTABLISHING NEW AND AMENDING EXISTING REGULATIONS BY A) ADDING CHAPTER 22.45 (EXCEPTIONS); B) ADDING CHAPTER 22.81 (DEVELOPMENT INCENTIVES AND COMMUNITY BENEFITS PROGRAM); AND C) AMENDING CHAPTERS 22.04 (DEFINITIONS), 22.10 (AGRICULTURAL DISTRICTS), 22.12 (RESIDENTIAL DISTRICTS), 22.14 (PA PROFESSIONAL AND ADMINISTRATIVE DISTRICTS); 22.15 (SITE DEVELOPMENT REGULATIONS), 22.16 (COMMERCIAL DISTRICTS), 22.17 (AFFORDABLE HOUSING OVERLAY DISTRICT), 22.18 (INDUSTRIAL DISTRICTS), 22.19 (CIVIC DISTRICT), 22.20 (GF GOVERNMENT FACILITIES DISTRICTS), 22.22 (RI RECREATIONAL FACILITIES DISTRICTS), 22.23 (DOWNTOWN SHORELINE DISTRICT), 22.29 (ALHAMBRA VALLEY DISTRICT), 22.36 (OFF-STREET PARKING AND LOADING FACILITIES), AND 22.43 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS) BY ADDING DEFINITIONS FOR “COMMUNITY BENEFIT,” “DEVELOPMENT INCENTIVE”, AND “FLEXIBLE COMMUNITY BENEFIT;” UPDATING THE DEVELOPMENT STANDARDS (SUCH AS DENSITY, HEIGHT AND STORIES, SETBACKS, FLOOR AREA RATIO, LOT COVERAGE, AND PRIVATE OUTDOOR SPACE) TO COMPLY WITH THE AFOREMENTIONED NEW CHAPTERS; UPDATING THE PERMITTED HEIGHT TO COMPLY WITH THE 2023-2031 HOUSING ELEMENT; ADDING FLOOR AREA RATIO REQUIREMENTS; CLARIFYING THE ADU BONUS PROGRAM; PERMITTING ACCESSORY DWELLING UNITS ON PROPERTIES WITH RELIGIOUS INSTITUTIONS; AND OTHER MINOR AMENDMENTS

WHEREAS, the 2023-2031 Housing Element and 2024 Planning Division Work Plan include Program 11: Zoning Ordinance Amendments, Program 13: Adequate Sites for Lower Income Households, and Program 15: Access to Opportunities, Density Bonus, and Incentives, Task 4: ADUs and Junior Accessory Dwelling Units, and Task 15: Development Incentives which require several amendments to the General Plan 2035 and Zoning Ordinance; and

WHEREAS, a General Plan Amendment and Zoning Text Amendment are proposed to relocate Floor Area Ratio (“FAR”) standards from the General Plan 2035 to the Zoning Ordinance and amend FAR standards to enhance development potential; and

WHEREAS, the process established by the Martinez Municipal Code (“MMC”) for development standard exceptions requires a variance or conditional use permit and are many times rigorous and cost prohibitive for property owners; and

WHEREAS, Zoning Text Amendments are proposed to establish a new Chapter in the MMC for a new minor and major exceptions process for building height, fence and wall height, setbacks, FAR, lot coverage, distance between structures, lot size, lot width or depth, and sign size development standards for certain eligible projects; and

WHEREAS, Zoning Text Amendments are proposed to residential building height regulations to ensure that maximum building heights can accommodate maximum allowable densities by tying building height to residential density; and

WHEREAS, Zoning Text Amendments are proposed to establish a development incentives and community benefits program that would allow property owners development standard deviations in exchange for community benefits; and

WHEREAS, Zoning Text Amendments are proposed throughout the Zoning Ordinance to add “bonus” development standards for height and story increases, setback reductions, FAR increases, increased lot coverage, private outdoor space reductions; reduced parking requirements for residential projects, and increased residential density associated with the development incentives and community benefits program; and

WHEREAS, additional amendments to MMC Section 22.43.140 related to the City’s ADU Bonus Program are required to reduce potential conflicts with the intent of the Chapter by clarifying the quantity of bonus ADUs that can be permitted; and

WHEREAS, Zoning Text Amendments are proposed to allow ADUs be built at religious institutions to increase the supply and range of housing options in Martinez;

WHEREAS, several miscellaneous Zoning Text Amendments are proposed to various Chapters of the MMC to increase clarity, address consistency with all other proposed amendments, and ensure compliance with State law; and

WHEREAS, the City seeks to ensure consistent and orderly development within its jurisdiction while remaining compliant with State law; and

WHEREAS, on March 20, 2024, the City Council conducted a study session on industrial zoning policies and regulations, and endorsed relocating FAR requirements from the General Plan to the Zoning Ordinance, revising them to align with existing conditions, and creating an exception process for developments to exceed FAR when certain conditions are met; and

WHEREAS, the City Council held a special study session on development incentives and community benefits regulations on June 5, 2024, during which the Council was supportive of creation of the program and made additional recommendations; and

WHEREAS, the Planning Commission held a public hearing on the proposed General Plan Amendment and Zoning Text Amendments on September 10, 2024, during which all interested persons were heard, and adopted Planning Commission Resolution No. 24-07 recommending City Council adoption of the proposed General Plan Amendment and Zoning Text Amendments; and

WHEREAS, proper notice of said hearing was given in all respects as required by law; and

WHEREAS, the Planning Commission did hear and consider all said reports, recommendations, and testimony herein above set forth and used its independent judgement to evaluate the project; and

WHEREAS, per Section 65354 of the Government Code, the Planning Commission made a written recommendation for the adoption of the General Plan Amendment by unanimously adopting Planning Commission Resolution No. 22-11 and has submitted its recommendation to the City Council; and

WHEREAS, the California Environmental Quality Act ("CEQA"), together with State Guidelines require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, pursuant to CEQA, staff is recommending the Planning Commission forward a recommendation to the City Council to find this project categorically exempt from the requirements of CEQA pursuant to Section 15305 and Section 15061(b)(3) of the CEQA Guidelines, which exempts adoption of an ordinance entailing minor alterations in land use limitations and under the common-sense exemption as there is no possibility that the ordinance in question will have a significant effect on the environment; and

NOW THEREFORE, the Planning Commission of the City of Martinez does hereby ordain as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Martinez does hereby recommend that the City Council adopt the Ordinance attached hereto as Exhibit A and adopt the Resolution attached hereto as Exhibit B and C, and incorporated herein by reference.

* * * * *

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 Regular Meeting of said Commission held on the 10th day of September, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sean Trambley, Planning Commission Chair

ATTEST:

Michael P. Cass, Planning Manager

Exhibit A – Draft Ordinance – Zoning Text Amendment

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ APPROVING A ZONING TEXT AMENDMENT TO AMEND THE MARTINEZ MUNICIPAL CODE BY ESTABLISHING NEW AND AMENDING EXISTING REGULATIONS A) ADDING CHAPTER 22.45 (EXCEPTIONS); B) ADDING CHAPTER 22.81 (DEVELOPMENT INCENTIVES AND COMMUNITY BENEFITS PROGRAM); AND C) AMENDING CHAPTERS 22.04 (DEFINITIONS), 22.10 (AGRICULTURAL DISTRICTS), 22.12 (RESIDENTIAL DISTRICTS), 22.14 (PA PROFESSIONAL AND ADMINISTRATIVE DISTRICTS); 22.15 (SITE DEVELOPMENT REGULATIONS), 22.16 (COMMERCIAL DISTRICTS), 22.17 (AFFORDABLE HOUSING OVERLAY DISTRICT), 22.18 (INDUSTRIAL DISTRICTS), 22.19 (CIVIC DISTRICT), 22.20 (GF GOVERNMENT FACILITIES DISTRICTS), 22.22 (RI RECREATIONAL FACILITIES DISTRICTS), 22.23 (DOWNTOWN SHORELINE DISTRICT), 22.29 (ALHAMBRA VALLEY DISTRICT), 22.36 (OFF-STREET PARKING AND LOADING FACILITIES), AND 22.43 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS) BY ADDING DEFINITIONS FOR “COMMUNITY BENEFIT,” “DEVELOPMENT INCENTIVE”, AND “FLEXIBLE COMMUNITY BENEFIT;” UPDATING THE DEVELOPMENT STANDARDS (SUCH AS DENSITY, HEIGHT AND STORIES, SETBACKS, FLOOR AREA RATIO, LOT COVERAGE, AND PRIVATE OUTDOOR SPACE) TO COMPLY WITH THE AFOREMENTIONED NEW CHAPTERS; UPDATING THE PERMITTED HEIGHT TO COMPLY WITH THE 2023-2031 HOUSING ELEMENT; ADDING FLOOR AREA RATIO REQUIREMENTS; CLARIFYING THE ADU BONUS PROGRAM; PERMITTING ACCESSORY DWELLING UNITS ON PROPERTIES WITH RELIGIOUS INSTITUTIONS; AND OTHER MINOR AMENDMENTS

WHEREAS, the 2023-2031 Housing Element and 2024 Planning Division Work Plan include Program 11: Zoning Ordinance Amendments, Program 13: Adequate Sites for Lower Income Households, and Program 15: Access to Opportunities, Density Bonus, and Incentives, Task 4: ADUs and Junior Accessory Dwelling Units, and Task 15: Development Incentives which require several amendments to the General Plan 2035 and Zoning Ordinance; and

WHEREAS, a General Plan Amendment and Zoning Text Amendment are proposed to relocate Floor Area Ratio (“FAR”) standards from the General Plan 2035 to the Zoning Ordinance and amend FAR standards to enhance development potential; and

WHEREAS, the process established by the Martinez Municipal Code (“MMC”) for development standard exceptions requires a variance or conditional use permit and

are many times rigorous and cost prohibitive for property owners; and

WHEREAS, Zoning Text Amendments are proposed to establish a new Chapter in the MMC for a new minor and major exceptions process for eligible projects for building height, fence and wall height, setbacks, FAR, lot coverage, distance between structures, lot size, lot width or depth, and sign size development standards; and

WHEREAS, Zoning Text Amendments are proposed to residential building height regulations to ensure that maximum building heights can accommodate maximum allowable densities by tying building height to residential density; and

WHEREAS, Zoning Text Amendments are proposed to establish a development incentives and community benefits program that would allow property owners development standard deviations in exchange for providing certain community benefits; and

WHEREAS, Zoning Text Amendments are proposed throughout the Zoning Ordinance to add “bonus” development standards for height and story increases, setback reductions, FAR increases, increased lot coverage, private outdoor space reductions; reduced parking requirements for residential projects, and increased residential density associated with the development incentives and community benefits program; and

WHEREAS, additional amendments to MMC Section 22.43.140 related to the City’s ADU Bonus Program are required to reduce potential conflicts with the intent of the Chapter by clarifying the quantity of bonus ADUs that can be permitted; and

WHEREAS, Zoning Text Amendments are proposed to allow ADUs be built at religious institutions to increase the supply and range of housing options in Martinez; and

WHEREAS, several miscellaneous zoning text amendments are proposed to various Chapters of the MMC to increase clarity, address consistency with all other proposed amendments, and ensure compliance with State law; and

WHEREAS, the City seeks to ensure consistent and orderly development within its jurisdiction while remaining compliant with State law; and

WHEREAS, on March 20, 2024, the City Council conducted a study session on

industrial zoning policies and regulations, and endorsed relocating FAR requirements from the General Plan to the Zoning Ordinance, revising them to align with existing conditions, and creating an exception process for developments to exceed FAR when certain conditions are met; and

WHEREAS, the City Council held a special study session on development incentives and community benefits regulations on June 5, 2024, during which the Council was supportive of creation of the program and made additional recommendations; and

WHEREAS, the Planning Commission held a public hearing on the proposed General Plan Amendment and Zoning Text Amendments on September 10, 2024, during which all interested persons were heard, and adopted Planning Commission Resolution No. 24-07 recommending City Council adoption of the proposed General Plan Amendment and Zoning Text Amendments; and

WHEREAS, the City Council held a public hearing on the proposed Zoning Text Amendments on _____, at which time all interested parties had the opportunity to be heard; and

WHEREAS, proper notice of said hearing was given in all respects as required by law; and

WHEREAS, the City Council did hear and consider all said reports, recommendations, and testimony herein above set forth and used its independent judgement to evaluate the project.

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

SECTION I: DETERMINATIONS

Pursuant to MMC Section 22.46.020, the City Council hereby finds the Zoning Text Amendments are consistent with the General Plan 2035 and all applicable Specific Plans in that they are necessary to comply with State law and are consistent with applicable land use regulations and development policies.

SECTION II: ENVIRONMENTAL REVIEW

Clarification of portions of the City's zoning ordinance is exempt from CEQA pursuant to CEQA Guidelines 15061(b)(3), in that it can be seen with certainty that there is no possibility that adoption of the zoning ordinance amendments will have

a significant impact on the environment; moreover, any individual development project will be subject to analysis under CEQA and the contents of an individual development project is not foreseeable.

SECTION III: IMPLEMENTATION

Section 22.04.030 (Definitions A-Z) of Chapter 22.04 (Definitions) of Title 22 (Zoning) of the MMC is hereby amended as follows:

Community Benefit

“Community Benefits” are benefits provided to the Martinez community from an applicant in the form of affordable housing, contribution to a City-funded program, on-site benefit, and/or off-site benefit, as outlined in Chapter 22.81.

Development Incentive

“Development incentive” means the predetermined deviations from development standards for specified zoning districts.

Flexible Community Benefit

“Flexible Community Benefit” means tangible benefits provided to the City from an applicant which are not provided on the City’s predetermined list, outlined in Chapter 22.81, subject to approval by the City Council.

SECTION IV: IMPLEMENTATION

Section 22.10.060 (Development Standards) of Chapter 22.10 (Agricultural Districts) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.10.060 — Development Standards.

- A. **Site Area:** The minimum site area shall comply with the requirements listed in Table 22.10.060(A).

Table 22.10.060(A)

Zoning District	Minimum Site Area
A-1	One half acre
A-2	Five acres
A-5	Five acres

- B. **Density**

- 1. In the A-1 and A-2 districts, the maximum density shall be 0.2 dwelling units per acre, rounded up to the nearest whole

number. Each legally-established parcel shall be permitted a minimum of one dwelling unit.

2. In the A-5 district, the maximum density shall be 0.15 dwelling units per acre, rounded up to the nearest whole number. Each legally-established parcel shall be permitted a minimum of one dwelling unit.

C. Front Yards

The minimum front yard shall be 20 feet.

D. Side Yards

1. The minimum side yard for residential structures shall be 10 feet.
2. The minimum side yard for agricultural accessory structures, except for those listed in Chapter 22.58 (Small Animals), shall be 20 feet.

E. Rear Yards

The minimum rear yard shall be 20 feet.

F. Height of Structures

1. No structure shall exceed 30 feet in height.
2. No agricultural accessory structure shall exceed 25 feet in height.
3. No agricultural accessory structure within 100 feet of a public roadway shall exceed 20 feet in height.

G. Site Coverage

1. The maximum gross site area to be covered by structures in the A-1 district shall be fifteen percent of the total site area.
2. The maximum gross site area to be covered by structures in the A-2 and A-5 districts shall be five percent of the total site area.

H. Floor Area Ratio

The maximum floor area ratio ("FAR") in the A-1, A-2, and A-5 districts shall be 0.2.

I. Off-Street Parking and Loading Facilities

1. Off-street parking and loading facilities shall be provided in accordance with the requirements specified in Chapter 22.36.

SECTION V: IMPLEMENTATION

Chapter 22.12 (Residential Districts) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.12.080 – Permitted Uses.

The following uses shall be permitted:

- A. Single-family dwellings in which not more than two paying guests may be lodged and/or furnished meals for a period of 31 days or more and cannot be occupied as a short-term rental unit;
- B. In the R-1.5, R-2.5, and R-3.5 district, multi-family dwellings, as follows:

Table 22.12.080 – Maximum Building Size

District	Maximum Building Size
R-1.5	2 dwelling units per building
R-2.5	8 dwelling units per building
R-3.5	Size limits as appropriate shall be established by the Planning Commission or Zoning Administrator in design review

- C. Accessory structures located on the same site as a permitted use including private garages and carports, storehouses, garden structures, greenhouses, recreation rooms, and hobby shops; and, when the basic structure is a single-family dwelling, a guest house or accessory living quarters without a kitchen;
- D. Home occupations;
- E. Raising of fruit and nut trees, vegetables and horticultural specialties;
- F. The raising of poultry, rabbits, chinchillas, hamsters, and other small animals in accordance with the regulations outlined in Section 22.58.030;
- G. Except in the R-1.5, R-2.5, R-3.5, and all RR districts, private stables for the keeping of not more than three horses on a site of not less than 80,000 square feet in area, provided that one additional horse may be kept for each additional 40,000 square feet of the site, and provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling;
- H. In the RR districts, private stables for the keeping of not more than two horses on a site of not less than 40,000 square feet in area, provided one additional horse may be kept for each additional 20,000 square feet of the site, and provided that any stable meets the conditions of subsection G above;
- I. In the R-1.5 district only, lodging houses and apartment hotels;

- J. State authorized, certified or licensed family care, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons;
- K. State licensed family day care homes;
- L. Transitional housing. Transitional housing shall be considered a residential use of property and shall be subject only to those restrictions and development standards that apply to other residential uses and dwelling types of the same type and in the same zone. Nothing in this provision is intended to permit single-family zoning requirements to be applied to multi-family residential units and vice versa;
- M. Supportive housing. Supportive housing shall be considered a residential use of property and shall be subject only to those restrictions and development standards that apply to other residential uses and dwellings of the same type and in the same zone. Nothing in this provision is intended to permit single-family zoning requirements to be applied to multi-family residential units and vice versa);
- N. Licensed residential care facilities.

22.12.110 – Minimum Site Area.

The minimum site area for residential districts shall comply with the requirements listed in Table 22.12.110.

Table 22.12.110 – Minimum Site Area

District	Minimum Site Area
R-1.5*	10,000 square feet
R-2.5	3,500 square feet
R-3.5	4,000 square feet
R-6.0	6,000 square feet
R-7.0	7,000 square feet
R-7.5	7,500 square feet
R-10.0	10,000 square feet
R-15.0	15,000 square feet
R-20.0 and RR-20.0	20,000 square feet
R-40.0 and RR-40.0	40,000 square feet
R-65.0 and RR-65.0	65,000 square feet
R-80.0 and RR-80.0	80,000 square feet
R-100.0 and RR-100.0	100,000 square feet

Note: *R-3.5 and R-2.5 existing sites with less than the required minimum site area shall be considered in accordance with the provisions of Section 22.12.120.

22.12.120 – Site Area Per Dwelling Unit.

Each site shall have an area of not less than that specified in Table 22.12.120.

Table 22.12.120 – Site Area Per Dwelling Unit

District	Size of Site	Minimum Site Area Per Dwelling Unit (10 percent and flatter land)
R-1.5	Up to 9,999 sq. ft.	2,500 square feet
	10,000-19,999 sq. ft.	1,500 square feet
	20,000 sq. ft.	1,500 square feet except that special consideration may be given by the Zoning Administrator or Planning Commission to reduce the minimum site area per dwelling unit to not less than 1,250 square feet for good site planning, architectural design, and landscaping
R-2.5	All	2,500 square feet
R-3.5	All	3,500 square feet
Remaining R and RR districts	All	Minimum site area specified in Table 22.12.110, for permitted used.

Note: For all zoning districts above, the minimum site area per dwelling unit specified is only for land lying at slopes of ten percent or flatter (as defined in Sections 22.12.130 through 22.12.180). For land steeper than ten percent in slope, adjustments must be made to the minimum site area per dwelling unit in accordance with the provisions of Sections 22.12.130 through 22.12.180, slope density regulations.

22.12.190 – Frontage, Width and Depth of Site.

- A. Each site shall have not less than 40 feet of frontage on a public street, except that a corridor access lot having not less than 15,000 square feet of area, exclusive of corridor area, may not have less than 20 feet of frontage.
- B. Each site shall have a depth of not less than 100 feet and shall be of width not less than prescribed in Table 22.12.190.

Table 22.12.190 – Minimum Dimensions

District	Minimum Width	Minimum Width Corner Lot
R-1.5	60 feet	70 feet
R-2.5	35 feet	60 feet

R-3.5	40 feet	50 feet
R-6.0	60 feet	70 feet
R-7.0	65 feet	75 feet
R-7.5	70 feet	80 feet
R-10.0	80 feet	90 feet
R-15.0	100 feet	110 feet
R-20.0 and RR-20.0	100 feet	110 feet
R-40.0 and RR-40.0	150 feet	150 feet
R-65.0 and RR-65.0	150 feet	150 feet
R-80.0 and RR-80.0	150 feet	150 feet
R-100.0 and RR-100.0	150 feet	150 feet

22.12.210 – Maximum Site Area Coverage.

The minimum site area for residential districts shall comply with the requirements listed in Table 22.12.210.

Table 22.12.210 – Maximum Site Area Coverage

District	Maximum Coverage	Maximum Coverage (with development incentive pursuant to Chapter 22.81)
R-1.5	40 percent	50 percent
R-2.5	35 percent	45 percent
R-3.5	40 percent	50 percent
R-6.0	40 percent	50 percent
R-7.0	35 percent	45 percent
R-7.5	35 percent	45 percent
R-10.0	30 percent	40 percent
R-15.0	30 percent	40 percent
R-20.0 and RR-20.0	25 percent	35 percent
R-40.0 and RR-40.0	20 percent	30 percent
R-65.0 and RR-65.0	15 percent	20 percent
R-80.0 and RR-80.0	10 percent	15 percent
R-100.0 and RR-100.0	5 percent	10 percent

22.12.215 - Floor Area Ratio.

The maximum floor area ratio (“FAR”) shall comply with the requirements listed in Table 22.12.215.

Table 22.12.215 – Floor Area Ratio

District	Maximum FAR	Maximum FAR (with development incentive pursuant to Chapter 22.81)
R-1.5	2.0	2.5
R-2.5	1.5	2.0
R-3.5	1.0	1.5
R-6.0	0.5	1.0
R-7.0	0.5	1.0
R-7.5	0.5	1.0
R-10.0	0.4	0.9
R-15.0	0.3	0.8
R-20.0 and RR-20.0	0.2	0.6
R-40.0 and RR-40.0	0.2	0.6
R-65.0 and RR-65.0	0.2	0.6
R-80.0 and RR-80.0	0.2	0.6
R-100.0 and RR-100.0	0.2	0.6

22.12.220 – Front Yards.

- A. The minimum front yard shall comply with the requirements listed in Table 22.12.220 subject to the exceptions listed in subsection B.

Table 22.12.210 – Maximum Site Area Coverage

District	Minimum Front Yard	Minimum Front Yard (with development incentive pursuant to Chapter 22.81)
R-1.5	10 feet	0 feet
R-2.5	20 feet	10 feet
R-3.5	20 feet	10 feet
R-6.0	20 feet	10 feet
R-7.0	20 feet	10 feet
R-7.5	20 feet	10 feet
R-10.0	25 feet	15 feet
R-15.0	25 feet	15 feet
R-20.0 and RR-20.0	25 feet	15 feet
R-40.0 and RR-40.0	25 feet	15 feet
R-65.0 and RR-65.0	40 feet	20 feet
R-80.0 and RR-80.0	50 feet	40 feet

R-100.0 and RR-100.0	50 feet	40 feet
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B. Exceptions:

1. On a site having an average natural slope of thirty percent or more measured from the established grade of the street at the edge of the existing or proposed pavement to the rear line of the required front yard, a garage or carport may be constructed not less than 15 feet from the edge of the pavement, provided that in no case shall a garage or carport have a front yard of less than three feet.
2. On corner lots in the R-6.0, R-7.0, and R-7.5 districts, the front yard may be reduced to 15 feet minimum if the structure fronts upon the longer street frontage, provided there is 20 feet between the front of the garage or carport and the front property line. On corner lots in the R-10.0, R-20.0, RR-20.0, R-40.0, and RR-40.0 districts, the front yard may be reduced to 20 feet if the structure fronts upon the longer street frontage.

22.12.230 – Side Yards.

The minimum side yard shall comply with the requirements listed in Table 22.12.230.

Table 22.12.230 – Side Yards

District	Minimum Side Yard	Minimum Side Yard (with Development Incentive Bonus pursuant to Chapter 22.81)	Minimum Side Yard (Second Story)	Minimum Side Yard (Second Story with development incentive pursuant to Chapter 22.81)
R-1.5	5 feet	0 feet	10 feet	5 feet
R-2.5	5 feet	10 feet	10 feet	5 feet
R-3.5	5 feet	10 feet	10 feet	5 feet
R-6.0	5 feet	10 feet	10 feet	5 feet
R-7.0	5 feet	10 feet	10 feet	5 feet
R-7.5	5 feet	10 feet	10 feet	5 feet
R-10.0	5 feet	15 feet	12 feet	5 feet
R-15.0	10 feet	15 feet	15 feet	8 feet

R-20.0 and RR-20.0	10 feet	15 feet	15 feet	8 feet
R-40.0 and RR-40.0	15 feet	15 feet	25 feet	15 feet
R-65.0 and RR-65.0	20 feet	20 feet	30 feet	20 feet
R-80.0 and RR-80.0	25 feet	40 feet	35 feet	25 feet
R-100.0 and RR-100.0	30 feet	40 feet	40 feet	30 feet

22.12.240 – Rear Yards.

- A. Except for the R-1.5 and R-2.5 districts, the minimum rear yard shall be 25 feet (reduced to 15 feet with development incentive pursuant to Chapter 22.81).
- B. In the R-1.5 district, the minimum rear yard shall be 20 feet (reduced to 10 feet with development incentive pursuant to Chapter 22.81) subject to the following exception. In the R-2.5 district, the minimum rear yard shall be 25 feet (or 15 feet with development incentive pursuant to Chapter 22.81) subject to the following exceptions:
 - 1. In the R-1.5 district, the rear yard may be reduced to 10 feet provided one side yard is at least 20 feet.
 - 2. In the R-2.5 district, the rear yard may be reduced to 15 feet provided one side yard is at least 25 feet.

22.12.250 – Private Outdoor Space.

The minimum private outdoor space per dwelling unit for multi-family residential structures in residential districts shall comply with the provisions in Table 22.12.250.

Table 22.12.250 – Private Outdoor Space

District	Minimum Private Outdoor Space Per Dwelling Unit	Minimum Private Outdoor Space Per Dwelling Unit (with development incentive pursuant to Chapter 22.81)
R-1.5	400 square feet	100 square feet
R-2.5	450 square feet	200 square feet
R-3.5	500 square feet	200 square feet

22.12.260 – Height of Structures.

- A. Except in the R-1.5, R-2.5, and R-3.5 districts, the maximum height of structures shall be two stories or a maximum of 25 feet (increased to three stories or 35 feet with development incentive pursuant to Chapter 22.81), whichever is less.
- B. The maximum allowable height of structures for all other residential zones shall be based on residential density, as shown in Table 22.12.260:

Table 22.12.260 – Maximum Height

District / Residential Density	Maximum Height	Maximum Height (with development incentive pursuant to Chapter 22.81)
Up to 29.5	Two stories or a maximum of 25 feet above the 100-year flood plain, whichever is greater	Three stories or a maximum of 36 feet above the 100-year flood plain, whichever is greater
30.0 to 39.5 du/ac	Three stories or a maximum of 36 feet above the 100-year flood plain, whichever is greater	Four stories or a maximum of 48 feet above the 100-year flood plain, whichever is greater
40.0 to 50.0 du/ac	Four stories or a maximum of 48 feet above the 100-year flood plain, whichever is greater	Five stories or a maximum of 60 feet above the 100-year flood plain, whichever is greater

SECTION VI: IMPLEMENTATION

Chapter 22.14 (PA Professional and Administrative Districts) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.14.090 – Coverage.

The maximum site area covered by structures shall be fifty percent (increased to sixty percent with development incentive pursuant to Chapter 22.81) of the total gross area of the site.

22.14.095 - Floor Area Ratio.

The maximum floor area ratio shall be 2.0 (increased to 2.5 with development incentive pursuant to Chapter 22.81).

22.14.100 – Front Yard.

The minimum front yard shall be 10 feet (reduced to 0 feet with development incentive pursuant to Chapter 22.81).

22.14.110 – Side Yard.

The minimum side yard shall be five feet (reduced to two feet with development incentive pursuant to Chapter 22.81), subject to the following exceptions:

- A. On the street side of a corner lot, the side yard shall not be less than 10 feet;
- B. Where the side property line of a site of a professional office or an administrative office adjoins property in a residential district, the side yard adjoining the residential district shall be not less than ten feet and a solid masonry wall or board fence six feet in height shall be located on the property line. In addition, the five feet adjoining the property line shall be landscaped with plant materials and permanently maintained when such landscaping is necessary to ensure privacy, to screen unsightliness, or to mitigate noise.

22.14.120 – Rear Yard.

The minimum rear yard shall be 10 feet (reduced to five feet with development incentive pursuant to Chapter 22.81) subject to the following exceptions:

- A. Where the rear property line of a site of a professional office or an administrative office adjoins property in a residential district, the rear yard shall be not less than 20 feet (reduced to 10 feet with development incentive pursuant to Chapter 22.81) and a solid masonry wall or board fence six feet in height shall be located on the property line. In addition, the five feet adjoining the property line shall be landscaped with plant materials and permanently maintained by the property owner(s) when such landscaping is necessary to ensure privacy, to screen unsightliness, or to insulate adjoining dwellings against noise.
- B. A minimum setback of five feet shall be maintained from the rear property lines for accessory structures not exceeding 12 feet in height, including garages and carports, garden structures, greenhouses, and storage buildings, except on a reversed corner lot. Accessory structures exceeding 12 feet in height are subject to the setback requirements shall comply with the minimum rear yard of 10 feet.

22.14.130 –Private Outdoor Space.

The minimum private outdoor space in the PA district shall be 400 square feet per residential dwelling unit (reduced to 100 square feet with development incentive pursuant to Chapter 22.81).

22.14.140 – Height of Structures.

No structures shall exceed 30 feet in height (increased to 40 feet with development incentive pursuant to Chapter 22.81). Taller structures may be permitted if, upon submission of an application an exception is granted pursuant to Chapter 22.45.

SECTION VII: IMPLEMENTATION

Section 22.15.040 (Site Development Regulations) of Chapter 22.15 (R & D District) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.15.040 Development Standards.

The following site development regulations shall apply in the R & D district:

- A. **Site Area:** Minimum site area shall be one acre;
- B. **Site Width:** Minimum site width shall be 100 feet;
- C. **Site Depth:** Minimum site depth shall be 150 feet;
- D. **Front Yard:** Minimum front yard shall be 10 feet (reduced to five feet with development incentive pursuant to Chapter 22.81);
- E. **Side and Rear Yards:** The minimum side yard shall be zero feet. The minimum rear yard shall be zero feet. Where the lot has its side or rear yard adjacent to any residential district, the side yard shall be 10 feet and the rear yard shall be 25 feet, and a solid masonry wall or board fence six feet in height shall be located on the property line. Additionally, five feet adjoining the property line shall be landscaped with plant materials and permanently maintained by the property owner(s);
- F. **Height of Buildings:** A structure shall not exceed a height of 50 feet (increased to 60 feet with development incentive pursuant to Chapter 22.81). Taller structures may be permitted if, upon submission of an application, an exception is granted pursuant to Chapter 22.45.
- G. **Floor Area Ratio:** The maximum floor area ratio in the PA district shall be 2.0 (increased to 2.5 with development incentive pursuant to Chapter 22.81).
- H. **Landscaping:** Landscaping shall be considered as an integral part of any development plan. All landscape plans shall be subject to design review and shall be reviewed and approved by the Community and Economic Development Director, Planning Manager, or designee.
- I. **Parking:** Parking shall be provided at a ratio established by Chapter 22.36 for the proposed use.

The Planning Commission or Zoning Administrator may require fewer parking spaces when it can be adequately demonstrated through preparation of a parking study prepared by an independent consultant

selected by the City and paid for by the applicant that the proposal will demand less parking than required by Code.

- J. **Design Review:** Design review is required for all new construction, exterior alterations, and/or site improvements such as landscaping.

SECTION VIII: IMPLEMENTATION

Chapter 22.16 (Commercial Districts) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.16.170 – Front Yards.

- A. The minimum front yard setback shall be as prescribed in Table 22.16.170, subject to the exceptions listed below:

Table 22.16.170 – Front Yard

District	Minimum Front Yard Setback	Minimum Front Yard Setback (with development incentive pursuant to Chapter 22.81)
Neighborhood Commercial	15 feet	5 feet
Central Commercial	5 feet	2 feet
Service Commercial	5 feet	2 feet

- B. Exceptions:

1. In the NC district, on a site abutting on property in a residential district and fronting on the same street, the minimum front yard setback shall be not less than the required front yard setback of the adjoining site in the residential district.
2. In the CC and SC districts, no structure shall be closer than 15 feet to a street intersection, except portions of a structure which are less than 3 ½ feet or more than eight feet above sidewalk grade and one column, not exceeding one foot in any horizontal dimension shall not be subject to this requirement.
3. In the CC and SC districts, on a site abutting on property a residential district and fronting on the same street, the minimum front yard setback shall be not less than one-half the required front yard setback on the adjoining site in the residential district.

22.16.180 – Side Yards.

- A. The minimum side yard setback shall be as prescribed in Table 22.16.180, subject to the exceptions listed below:

Table 22.16.180 – Side Yard

District	Minimum Side Yard Setback	Minimum Side Yard Setback (with development incentive pursuant to Chapter 22.81)
Neighborhood Commercial	15 feet	8 feet
Central Commercial	0 feet	--
Service Commercial	0 feet	--

B. Exceptions:

1. In the NC district, on a site abutting on property in a residential district and fronting on the same street, the minimum side yard setback shall be not less than the required side yard setback with development incentive bonus of the adjoining site in the residential district.
2. In the CC and SC districts, no structure shall be closer than 15 feet to a street intersection, except portions of a structure which are less than 3 ½ feet or more than eight feet above sidewalk grade and one column, not exceeding one foot in any horizontal dimension shall not be subject to this requirement.
3. In the CC and SC districts, on a site abutting on property in a residential district and fronting on the same street, the minimum front yard shall be not less than one-half the required front yard on the adjoining site in the residential district.

22.16.190 – Rear Yards.

- A. The minimum rear yard setback shall be as prescribed in Table 22.16.190, subject to the exceptions listed below:

Table 22.16.190 – Rear Yard

District	Minimum Rear Yard Setback	Minimum Rear Yard Setback (with development

		incentive pursuant to Chapter 22.81)
Neighborhood Commercial	15 feet	8 feet
Central Commercial	0 feet	--
Service Commercial	0 feet	--

B. Exceptions:

1. In the CC and SC districts, where the rear property line of a site adjoins property in a residential district or a PA district, the minimum rear yard setback shall be 10 feet.

22.16.195 - Floor Area Ratio.

The maximum floor area ratio (“FAR”) shall comply with the requirements listed in Table 22.16.195.

Table 22.16.195

District	Maximum FAR	Maximum FAR (with development incentive pursuant to Chapter 22.81)
Neighborhood Commercial	1.5	2.0
Central Commercial	3.0	3.5
Service Commercial	1.0	1.5

22.16.200 – Height of Structures.

No structure shall exceed 30 feet in height (increased to 40 feet with development incentive pursuant to Chapter 22.81) in the NC or SC districts. In the CC district, the height of structures shall not exceed 40 feet, or three stories (increased to 50 feet or four stories with development incentive pursuant to Chapter 22.81). Taller structures may be permitted if, upon submission of an application, an exception is granted pursuant to Chapter 22.45.

SECTION IX: IMPLEMENTATION

Section 22.17.020 (Uses and Density) of Chapter 22.17 (Affordable Housing Overlay District) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.17.020 Uses and Density.

Permitted and conditionally-permitted uses, allowable density, and development standards shall be the same as is required for the underlying zoning district(s) except where housing development projects are proposed that comply with the AHO district provisions for affordable housing units as described in Section 22.17.020.A. Housing development projects pursuant to this this Chapter must be entirely on a parcel or parcels were constituted and identified at the time of adoption of the Housing Element, which is reflected as the AHO district on the Zoning Map, and shall comply with the following:

- A. **Affordable Units.** Housing development projects shall provide at least 20 percent of the units as affordable to very low- and low-income households. Any fractional unit shall be rounded up to the nearest whole unit.
- B. **Deed Restriction.** All affordable units, exclusive of any manager unit or units, shall be subject to a recorded deed restriction, in a form and manner approved by the Planning Manager or designee for at least the following periods of time:
 - 1. Fifty-five years for units that are rented.
 - 2. Forty-five- years for units that are owner occupied.
- C. **Density Bonus.** Housing development projects constructed pursuant to this Chapter shall also be eligible for a density bonus, incentive, concession, waivers, or reductions of development standards and parking ratios, pursuant to Government Code Section 65915.
- D. **Development Incentives.** Housing development projects constructed pursuant to this Chapter shall also be eligible for development incentives pursuant to Chapter 22.81 (Development Incentives and Community Benefits Program).

SECTION X: IMPLEMENTATION

Chapter 22.18 (Industrial Districts) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.18.110 – Front Yard.

The minimum front yard setback shall be 10 feet (reduced to five feet with development incentive pursuant to Chapter 22.81); 50 percent of the front yard area shall be landscaped and no portion of the front yard area may be used for parking or loading.

22.18.120 – Side Yards.

The minimum side yard setback shall be zero feet. When abutting any zoning district that allows for residential uses, the minimum side yard setback shall be 10 feet.

22.18.130 – Rear Yards.

The minimum rear yard setback shall be zero feet. When abutting any zoning district that allows for residential uses, the minimum rear yard setback shall be 25 feet.

22.18.135 - Floor Area Ratio.

The maximum floor area ratio (“FAR”) shall comply with the requirements listed in Table 22.18.135.

Table 22.16.195

District	Maximum FAR	Maximum FAR (with development incentive pursuant to Chapter 22.81)
Light Industrial	2.0	3.0
Heavy Industrial	2.0	3.0

22.18.140 – Height of Structures.

No structure shall exceed 50 feet in height (increased to 60 feet with development incentive pursuant to Chapter 22.81). Taller structures may be permitted if, upon submission of an application, an exception is granted pursuant to Chapter 22.45.

SECTION XI: IMPLEMENTATION

Section 22.19.050 (Development Standards for the Civic District) of Chapter 22.19 (Civic District) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.19.050 Development Standards for the Civic District.

All property in the Civic district shall be developed in accordance with the following standards.

- A. **Maximum Floor Area Ratio.** The maximum floor area ratio in the Civic district shall be 3.0 (increased to 4.0 with development incentive pursuant to Chapter 22.81).
- B. **Maximum Height.** The maximum building height in the Civic district shall be 40 feet, or 3 stories (increased to 50 feet or 4 stories with development incentive pursuant to Chapter 22.81). Taller buildings may be approved by exception pursuant to Chapter 22.45.
- C. **Minimum Lot Size.** The minimum lot size for new development or for the creation of new parcels shall be 20,000 square feet.

- D. **Front Yard Setback.** The maximum front yard setback shall be 30 feet (decreased to 15 feet with development incentive pursuant to Chapter 22.81). No parking is permitted in the front yard setback area. The front yard setback shall also apply to side and rear yards adjacent to a public street. For parcels that have frontage on Willow Street, the minimum front yard setback shall be 15 feet.
- E. **Rear Yard Setback.** No minimum rear yard setback is required, except where the rear parcel line abuts a residential zone district, the minimum rear yard setback shall be 25 feet (decreased to 15 feet with development incentive pursuant to Chapter 22.81).
- F. **Interior Side Yard Setback.** No minimum interior side yard setback is required, except where the rear parcel line abuts a residential district, the minimum interior side yard setback shall be 15 feet (decreased to 10 feet with development incentive pursuant to Chapter 22.81).
- G. **Parking.** Refer to Chapter 22.36 for off-street parking requirements and standards.

SECTION XII: IMPLEMENTATION

Chapter 22.20 (GF Government Facilities Districts) of Title 22 (Zoning) of the MMC is hereby amended to include the following text:

22.20.065 - Floor Area Ratio.

The maximum floor area ratio shall be 3.0.

SECTION XIII: IMPLEMENTATION

Chapter 22.22 (RI Recreational Facilities Districts) of Title 22 (Zoning) of the MMC is hereby amended to include the following text:

22.22.065 - Floor Area Ratio.

The maximum floor area ratio shall be 1.0.

SECTION XIV: IMPLEMENTATION

Section 22.23.050 (Development Standards for the Downtown Shoreline District) of Chapter 22.23 (Downtown Shoreline District) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.23.050 - Development Standards for the Downtown Shoreline District.

- A. **General.** All new multiple residential development in this district shall be processed concurrently with a subdivision map, so that individual units can be offered for sale, and shall meet the requirements for new condominium units as contained in Chapter 21.54.
- B. **Maximum Height.** The maximum building height in the Downtown Shoreline district shall be 40 feet, or three stories (increased to 50 feet or four stories with development incentive pursuant to Chapter 22.81), for developments approved for a density of 35 units per acre (see below); otherwise the height limit shall be 30 feet, or two stories. In some areas, such as transition areas near existing single-family residential areas, a two-story maximum height may be determined to be appropriate by the Planning Commission. Taller buildings may be approved through an exception pursuant to Chapter 22.45.
- C. **Density.** The minimum site area per residential unit shall be 2,500 square feet (17 units per acre). The Planning Commission may approve a reduced site area per unit, down to a minimum of 1,250 square feet per unit (35 units per acre), by use permit.

To approve a density above the lower end of the density range without using development incentives provided in Chapter 22.81, the Planning Commission would need to find that in addition to meeting the above minimum requirements, the proposal is superior in terms of two or more of the following criteria, and/or to approve a density at or near the upper end of the density range, the Planning Commission would need to find that the proposal is superior in terms of the majority of the following criteria:

1. Assembling all or most of the contiguous parcels into one project, and designing the project as a new neighborhood;
2. Design and appearance;
3. Minimizing impacts on adjacent public lands;
4. Providing on-site amenities for the future residents;
5. Preserving or creating view corridors from public streets such as Talbart Street, Buckley Street, Marina Vista Avenue, Carquinez Scenic Drive, Castro Street, and Berrellesa Street;
6. Utilizing green building practices to the maximum extent possible;

- 7. Providing a variety of housing types, including detached single-family residential, where feasible, as a transition in areas near existing single-family neighborhoods;
 - 8. Providing a new public street system that improves access to the Regional Shoreline and Alhambra Creek, potentially by extending Alhambra Avenue along the creek, and vacating Berrellesa.
- D. **Floor Area Ratio.** The maximum floor area ratio in the Downtown Shoreline district shall be 2.0 (increased to 3.0 with development incentive pursuant to Chapter 22.81).
- E. **Other Development Standards.** Setbacks, lot standards, site coverage, site area per dwelling unit, building height, distance between structures, minimum site area, site dimensions, and private outdoor space shall be as provided in the Downtown Overlay district, Sections 22.13.040 through 22.13.090, inclusive.

SECTION XV: IMPLEMENTATION

Section 22.29.060 (Alhambra Valley Districts – General Development Standards) of Chapter 22.29 (Alhambra Valley District) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.29.060 – Alhambra Valley Districts – General Development Standards.

- A. **Minimum Lot Area.** The minimum net lot area shall be as specified in Table 22.29.060.A.

Table 22.29.060.A: Minimum Lot Area

Districts	Minimum Net Lot Area
AV/R-20.0	20,000 square feet
AV/R-40.0	40,000 square feet
AV/A-5	5 acres

- B. **Minimum Site Area.** The minimum site area per dwelling unit shall be as specified in Table 22.29.060.B, and as further regulated for sites of 10 percent or greater slope, by Section 22.29.080, Hillside Development.

Table 22.29.060.B: Minimum Site Area

Districts	Minimum Site Area (per Dwelling Unit)
AV/R-20.0	20,000 square feet
AV/R-40.0	40,000 square feet
AV/A-5	5 acres

C. **Minimum Lot Depth and Width.** The minimum lot depth and minimum lot width (average) shall be as specified in Table 22.29.060.C.

Table 22.29.060.C: Minimum Lot Depth and Width

Districts	Minimum Lot Depth	Minimum Lot Width (Average) ¹
AV/R-20.0	120 feet	120 feet
AV/R-40.0	140 feet	140 feet
AV/A-5	200 feet	250 feet

¹ Average lot width is calculated by dividing the total gross area of the lot by the depth of the lot.

D. **Minimum Yards.** The minimum front yards, side yards, and rear yards shall be as specified in Table 22.29.060.D. For setback requirements for animal structures, see Section 22.29.060.G, Animal Structures.

Table 22.29.060.D: Minimum Yards

Districts	Aggregate Minimum Side Yards	Minimum Side Yard Setback		Minimum Front Yard Setback	Minimum Rear Yard Setback
		Interior	Corner	Interior and Corner	
AV/R-20.0	35 feet	15 feet ¹	20 feet	25 feet	15 feet ²
AV/R-40.0	40 feet	20 feet ³	20 feet	25 feet	15 feet ⁴
AV/A-5	40 feet	20 feet	20 feet	25 feet	15 feet

Notes:

¹ Within the AV/R-20.0 district, the side yard minimum may be reduced to three feet for an accessory structure, which does not exceed 600 square feet floor area coverage or 15 feet in height, if it is set back at least 65 feet from the front property line.

² Within the AV/R-20.0 district, there shall be a rear yard for accessory structures of at least three feet.

³ Within the AV/R-40.0 district, this minimum may be reduced to three feet for an accessory structure, which does not exceed 600 square feet floor area coverage or 15 feet in height, if it is set back at least 75 feet from the front property line.

⁴ Within the AV/R-40.0 district, there shall be a rear yard for accessory structures of at least three feet.

E. **Floor Area Ratio.** The maximum floor area ratio (“FAR”) shall be as specified in Table 22.29.060.E.

Table 22.29.060.E: FAR

Districts	Maximum FAR
AV/R-20.0	0.2
AV/R-40.0	0.2
AV/A-5	0.2

F. **Maximum Height.** No single-family dwelling or other structure permitted in the Alhambra Valley districts shall exceed two and one-half stories or 35 feet in height.

G. **Off-Street Parking Requirements.** Chapter 22.36 (Off Street Parking and Loading Facilities) shall apply within the Alhambra Valley districts, excluding Sections 22.36.082 and 22.36.084, which shall not apply within the Alhambra Valley districts. Parking requirements for the AV/A-5 district shall be the same as the R-40.0 district. Each parking space shall be entirely outside the required setbacks of the primary structure.

H. **Animal Structures.**

1. Aviaries shall not be over 12 feet in height nor exceed one square foot in area for each 50 square feet of net lot area per parcel and shall not exceed 1,600 total square feet. Aviaries

shall be set back at least 25 feet from the front property line or any street or limit of right-of-way and at least ten feet from any side or rear property line, and shall be maintained in a sanitary manner as determined by the County Health Department.

2. Small animal structures shall be set back not less than 60 feet from the front property line or any street or limit of right-of-way, and shall be not less than 40 feet from any side or rear property line.
3. Large animal structures shall be set back not less than 100 feet from the front property line or any street or limit of right-of-way, and shall not be less than 50 feet from any side or rear property line.
4. Fenced pasture, paddocks, or other enclosed livestock areas shall not be located nearer than ten feet to any property line.

SECTION XVI: IMPLEMENTATION

Section 22.36.030 (Parking – Residential Uses) of Chapter 22.36 (Off-Street Parking and Loading Facilities) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.36.030 - Parking – Residential Uses.

- A. **Residential Parking Requirements:** Parking shall be provided for residential development in accordance with Table 22.36.030:

Table 22.36.030 – Residential Parking Standards

Dwelling Type	Zoning Districts	Required Parking Spaces per Dwelling Unit* (Covered)	Required Parking Spaces per Dwelling Unit* (Open)
Single Family	All districts except R-1.5, R-2.5, and R-3.5	2	0
Single Family	R-1.5, R-2.5, R-3.5	1	1
Multifamily – any dwelling type**	All districts except Downtown Overlay District	1	1.25
Multifamily studio**	Downtown Overlay District (except projects	1	0

	on streets where bike lanes are proposed)		
Multifamily – one bedroom**	Downtown Overlay District (except projects on streets where bike lanes are proposed)	1.5	0
Multifamily – two or more bedrooms**	Downtown Overlay District (except projects on streets where bike lanes are proposed)	1	1
Lodging houses, apartment hotels, motels, and private clubs providing sleeping accommodations	All districts	The greater of one space per guest room or one space per two beds, covered or uncovered	
Subsidized or assisted senior living facilities	All districts	0.35 spaces per dwelling unit	
ADUs and JADUs	All districts	Refer to Section 22.43.080.	
Multiple family – studio and 1 bedroom	Projects requesting parking reductions as a development incentive provided in Section 22.81	1	
Multiple family – 2 to 3 bedrooms	Projects requesting parking reductions as a development incentive provided in Section 22.81	1.5	
Multiple family – 4+ bedrooms	Projects requesting parking reductions as a development incentive provided in Section 22.81	2.5	

* Off-street, screened and fenced parking for recreational vehicles may be required in amounts determined by the Planning Commission or Zoning Administrator for all projects in excess of ten units.

** Garages shall not be used for storage by any outside party nor used for habitation by any party. There shall be at all times in every garage in the City sufficient space to park at least one automobile, except where parking is not required.

- B. **Guest Parking:** Additional required guest parking spaces shall be 0.25 space if there are over four units. The required guest spaces shall be additive and rounded up to the higher number. The Planning Commission or Zoning Administrator may approve tandem guest spaces if it can be found that residents will not be inconvenienced by this arrangement.
- C. **Driveways:** Driveways shall not be counted as part of any required parking, except when approved as tandem parking.
- D. **Parking Not Required:** Parking is not required when a residential development is located within one-half mile of a transit stop, measured in a straight-line distance. For the purposes of this section, a transit stop is defined as a passenger train station.

SECTION XVII: IMPLEMENTATION

Chapter 22.43 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.43.020 – Where Permitted.

- A. Any ADU may be permitted:
 - 1. On any lot zoned for a residential use, or any non-residentially zoned lot which is currently occupied with a single-family dwelling or multiple-family dwelling.
 - 2. On any lot zoned or occupied by a religious institution, as defined in Chapter 22.04.
- B. ADUs shall not be located in the following locations:
 - 1. In areas encumbered by a recorded easement, including but not limited to, public utility easements, conservation easements, access easements, pedestrian pathway easements and open space easements; or
 - 2. In areas that extend into a creek bank.

22.43.030 – Quantity of Units.

The following number of ADUs and JADUs shall be the maximum number of accessory units permitted on lots subject to this Section.

- A. Lot with one Single-Family Dwelling: one ADU and one JADU.
- B. Lot with more than one legal, conforming Single-Family Dwelling: one ADU total and one JADU.
- C. Lot with Multiple-Family Dwelling, either:
 - 1. Up to two detached ADUs; or
 - 2. At least one ADU converted from non-habitable portions of the existing primary structure that are not within the living space of a Dwelling Unit (e.g., basement, attic, garages storage room). The maximum number of ADUs converted from portions of the existing primary structure that are not within the living space of a Dwelling Unit shall not exceed 25 percent of the total number of existing Dwelling Units on the lot.
- C. Lot with religious institution: up to two ADUs, subject to the following exceptions:
 - 1. When a lot contains a religious institution and a single-family and/or multiple-family dwelling, the maximum number of ADU(s) permitted shall be associated with only one of the uses, whichever permits more.
 - 2. When a religious institution occupies multiple lots, only one of these lots shall be eligible for the ADU(s).

22.43.140 – ADU Bonus Program.

- A. **Applicability.** Applicants that are proposing to deed-restrict an ADU to the following affordability levels are eligible for the bonuses described below:
 - 1. Moderate-Income, deed-restricted: Provide affordability between 80 to 120 percent of area median income with affordability restrictions in place for 55 years.
 - 2. Lower-Income, deed-restricted: Provide affordability at less than 80 percent of area median income with affordability restrictions in place for 35 years.
- B. **Bonuses.** The Planning Manager or designee shall approve the following exceptions:
 - 1. For ADU(s) consistent with the affordability requirements outlined in Subsection A:

- a. If the project is located in within a Transit Priority Area, defined by California Public Resources Code Section 21099(a)(7) as an area within one-half mile of a major transit stop that is existing or planned, the applicant shall be allowed one additional unrestricted ADU for every deed-restricted ADU with no limits so long as the respective amount of deed-restricted ADUs is provided, subject to space limitations and compliance with other standards and requirements of this Chapter.
 - b. If the project is not located within a Transit Priority Area, the limit shall be one deed-restricted and one additional unrestricted ADU, for a maximum of three ADUs.
2. Waiver from another development standard listed in this Chapter that would otherwise make development of a deed-restricted ADU infeasible.
- C. **Requirements.** Property owners shall work with the City and Housing Authority of the County of Contra Costa (HACCC) to establish an Affordable Housing program, which at a minimum shall establish tenant eligibility, income verification and reporting requirements, and procedures for when a tenant's income raise beyond income limits.

SECTION XVIII: IMPLEMENTATION

Title 22 (Zoning) of the MMC is hereby amended to add Chapter 22.45 (Exceptions) as follows:

CHAPTER 22.45 – EXCEPTIONS

- 22.24.010 Purpose.
- 22.44.020 Applicability.
- 22.44.030 Application and Fee.
- 22.44.040 Findings.
- 22.44.050 Lapse of Exception.
- 22.44.060 Revocation.
- 22.44.070 New Application.

22.24.010 – Purpose.

This chapter establishes a procedure to allow minor and major exceptions from specified regulations in the Martinez Municipal Code.

22.44.020 – Applicability.

- A. **Minor Exceptions.** A minor exception to the development standards listed in Table 22.44.020(A) shall be approved if the Planning Manager or designee can make the findings identified in Section 22.44.040(A). If a minor exception is requested as part of another planning application, then the minor exception will be considered by the review authority reviewing the planning application in question.

Table 22.44.020(A)

Type of Exception	Maximum Deviation Permitted with Minor Exception
Building height	Up to a maximum of five feet above the existing limitation, as measured from the base flood elevation
Fence or wall height	Up to a maximum of two feet above the existing limitation, and all portions of fence or wall taller than six feet must be lattice or similar open style of material
Required setbacks	Up to a maximum of 10 feet or 25 percent of the normally required setback, whichever is less
Floor area ratio ("FAR")	Up to a maximum of 0.1 FAR or 500 square feet above the existing limitation, whichever is greater
Lot coverage	Up to a maximum of 10 percent or 500 square feet above the existing limitation, whichever is greater
Distance between structures	Up to a maximum of zero feet separation between structures
Lot size	Up to a maximum of 10 percent below the existing requirement
Lot width or depth	Up to a maximum of 10 percent below the existing requirement
Sign size	Up to a maximum of 20 percent above the existing limitation

- B. **Major Exceptions.** An exception beyond the maximum permitted deviations listed in Table 22.44.020(A) may be permitted through participation in the Development Incentives and Community Benefits Program, pursuant to the regulations found in Chapter 22.81 (Development Incentives and Community Benefits Program). A major exception, beyond what is permitted by the Development Incentives

and Community Benefits Program, may be approved by the Planning Commission or Zoning Administrator if the project participates in the Development Incentives and Community Benefits Program and if the Planning Commission or Zoning Administrator can make the findings identified in both Section 22.04.040(A) and Section 22.04.040(B).

22.44.030 – Application and Fee.

Applications for exceptions shall be completed, filed, and processed in accordance with this chapter. Applications for exceptions shall be accompanied by a completed Standard Planning Application Form, on file with the Planning Division, accurate scale drawings, and all applicable fees in accordance with the currently adopted fee schedule. It is the responsibility of the applicant to provide evidence in support of the findings identified in Section 22.44.040.

22.44.040 – Findings.

- A. Minor exceptions may be granted consistent with the procedures set forth in Section 22.06.030 and subject to the following findings:
 - 1. The project will substantially comply with the Zoning Ordinance and the purpose and intent of the zoning district where the property is located.
 - 2. The project will not pose a detrimental impact to the site, adjacent properties, or neighborhood.
 - 3. The project will otherwise comply with applicable Zoning Ordinance and Building Code standards and requirements.
- B. Major exceptions are subject to the following additional findings:
 - 1. A greater deviation from the development standard than is otherwise permitted by a minor exception will allow for a higher quality of architectural design and site planning.
 - 2. The project will contribute to the economic vitality of the area by creating new businesses, creating jobs, creating significant housing, or otherwise enhancing the attractiveness of the surrounding neighborhood.

22.44.050 – Appeals.

Within 10 days following the date of a decision of the review authority, the decision may be appealed to the Zoning Administrator or Planning Commission, as applicable, by the applicant or any other interested party. An appeal shall be made on a form prescribed by the Planning Division and shall be filed with the City Clerk.

The appeal shall state specifically wherein the project approval or denial is not supported by the evidence in the record.

22.44.060 – Lapse of Exception.

An exception shall lapse and shall become null and void one year following the date on which the exception becomes effective, unless prior to the expiration of one year, a building permit is issued and construction is commenced on the site, or a certificate of occupancy is issued by the Building Inspector for the site or structure which was the subject of the exception application. An exception may be renewed for an additional period of one year, provided that prior to the expiration of one year from the date when the exception originally became effective, an application for renewal of the exception is made. The Planning Manager or designee may grant or deny an application for renewal of an exception.

22.44.070 – Revocation.

An exception granted subject to a condition or conditions of approval shall be revoked if the condition or conditions are not satisfied.

22.44.080 – New Application.

Following the denial or revocation of an exception application, no application for the same or substantially the same exception on the same or substantially the same site shall be filed within one year of the date of denial or revocation of the exception.

SECTION XIX: IMPLEMENTATION

Title 22 (Zoning) of the MMC is hereby amended to add Chapter 22.81 (Development Incentives and Community Benefits Program) as follows:

Chapter 22.81 Development Incentives and Community Benefits Program.

22.81.010 – Purpose.

The purpose of this Chapter is to allow deviations from select development standards for development projects which provide community benefits, such as on-site affordable housing, contribution to funding programs, or construction of on- or off-site improvements.

22.81.020 – Waiver of State Density Bonus Law.

Use of the provisions of this Chapter are optional. If the applicant chooses to use the provisions provided in this Chapter, then the applicant shall waive their right to utilize California State Density Bonus Law provided in California Government Code Sections 65915 through 65918 and described in Chapter 22.80 (Density Bonus).

22.81.030 – Eligibility.

- A. **Project Types.** The provisions provided in this Chapter shall apply to the following project types:
1. Multi-family residential projects
 2. Non-residential projects, including, but not limited to, office, industrial, and commercial projects
 3. Mixed-use projects
- B. **Exceptions.** This Chapter shall not apply to any of the following project types or within the following districts:
1. Single-family district
 2. Parks and Open Space Protection Overlay district
 3. Agricultural Zoning district
 4. Alhambra Valley district
 5. Government Facilities Zoning district
 6. Recreational Facilities Zoning district
 7. Open Space Zoning district
- C. **Consistency with Other Requirements.** In all cases, the potential development incentives available through this program must be consistent with the General Plan, applicable specific plans, and the Martinez Municipal Code.

22.81.040 – Determination of Development Incentives.

- A. **General.** Applicants shall select which of the available development incentives they would like to utilize and then based on the quantity of those requests, a corresponding number of community benefits shall be provided at a 1:1 ratio.
- B. **Determination.** To calculate the community benefit requirement for a potential project, an application should do the following:
1. Determine the project site's zoning designation.
 2. Review the development standards in the respective zoning designation's Chapter of this Title and determine which of the development incentives are desired.
 3. Based on a ratio of one development incentive per one community benefit, determine how many community benefits are required.

4. Select the respective amount of preferred community benefit(s), as provided in Section 22.81.060.

C. Projects at Housing Element Opportunity Sites. Applicants proposing multi-family residential projects, affordable to very low-, low-, or moderate-income households, on Housing Element Opportunity Sites which meet both the envisioned density and affordable housing mix shall be entitled to use of all available development incentives and no additional community benefits are required.

22.81.050 – Development Incentives.

A. Development Standards. Each applicable zoning district shall include a separate set of development standards which are only accessible to applicants opting into this program. These development standards (also referred to as “development incentives”) shall be located in each zoning district’s respective Chapter of this Title. The eligible development standards include:

1. Height and Stories increases
2. Setbacks reductions
3. Floor Area Ratio increases
4. Lot Coverage increases
5. Private Outdoor Space reductions
6. Parking reductions for residential projects

B. Multi-Family or Mixed-Use Residential Projects – Density Bonus. Multi-family residential projects shall be allowed to exceed permitted residential density by providing affordable housing as specified in Table 22.81.050 below:

Table 22.81.050 - Density Bonus

Percent Affordable	Percent Density Bonus	Development Incentives
5 percent Very-Low Income	25 percent	Unlimited credits
10 percent Low Income	25 percent	
10 percent Moderate Income	10 percent	
10 percent Very-Low Income	35 percent	
20 percent Low Income	40 percent	
20 percent Moderate Income	20 percent	

15 percent Very-Low Income	55 percent	
24 percent Low Income	55 percent	
30 percent Moderate Income	30 percent	

1. Residential density shall be rounded to the nearest whole number for base and bonus density calculations (e.g., fractions of one-half or greater shall be rounded up to the nearest whole number and fractions less than one-half shall be rounded down to the nearest whole number).
2. The percentage of required affordable units shall be derived from the total amount of units from the base density associated with the underlying zoning requirements, rounded up to the nearest whole number (e.g., any fraction shall be rounded up to the nearest whole number).

D. Multi-Family or Mixed-Use Residential Projects – Development Incentive Credits: In addition to density, applicants who elect to provide affordable housing consistent with this Chapter shall also be eligible for an unlimited amount of development incentives.

C. Affordable Unit Requirements. Affordable residential dwelling units shall comply with the following requirements:

1. All affordable units, exclusive of any manager unit(s), shall be subject to a recorded deed restriction, in a form and manner approved by the City Attorney and Planning Manager or designee(s) for at least the following periods of time:
 - a. Fifty-five years for units that are rented.
 - b. Forty-five-years for units that are owner occupied.
2. All affordable units shall be comparable to the overall quality of construction to the market-rate units, including exterior appearance, and access to amenities. The number of bedrooms in the affordable units shall be comparable to the average number of bedrooms in the market-rate units, include comparable square feet by unit size, and the affordable units shall be reasonably dispersed within the project site.
3. Any household that occupies an affordable unit must occupy that unit as its principal residence, unless otherwise approved in writing for rental to a third party for a limited period of time due to household hardship, as determined and approved by the City in advance.

D. Exceptions.

1. Development incentives shall be granted unless the deviation would result in a specific, adverse impact related to public health and safety as determined by the City.
2. Projects located within the Affordable Housing Overlay district, Alhambra Avenue Overlay district, and Community Services Overlay district shall not be permitted additional density bonuses provided in this Chapter. These projects are eligible for other development incentives, except for density.

22.81.060 – Community Benefits.

Applicants have the following available options to provide as community benefits to meet the required criteria set forth above:

- A. **General Requirement.** All community benefits must be in addition to any improvements required as a normal City, State, or federal standard; standard condition of approval; or environmental mitigation.
- B. **Contribution to City-Funded Program:**
 1. For every five percent of construction valuation, as determined by the Chief Building Official or designee, contributed to a City-funding program, the applicant shall be permitted one development incentive.
 2. As participation in the Community Benefits Program is optional for developers, the funds collected through this option are not considered impact fees (as defined by State law) and, therefore, are not subject to any State-imposed timelines for spending or restrictions for their use.
 3. Applicants may choose to contribute directly to any of the following programs:
 - a. Affordable Housing Fund for the production, preservation, or protection of affordable housing.
 - b. Waterfront Marina Fund for the implementation of the Waterfront Marina Trust Lands Use Plan.
- C. **On-Site Community Benefits:**
 1. For every three percent of construction valuation, as determined by the Chief Building Official or designee, provided as an on-site community benefit(s), the applicant shall be permitted one development incentive.

2. The applicant assumes the full cost of building and the property owner and their successors are responsible for maintaining and operating the on-site community benefit. The privately owned physical improvements shall be permanent, subject to a recorded covenant approved as to form by the City Attorney, and enforceable by the City.
3. The applicant may propose the location and any other specifics of these improvements, subject to City approval.
4. Applicants may choose to include any of the following on-site community benefits:
 - a. Restoration or rehabilitation of historically significant structures of local, State, or federal importance, including, but not limited to, preparation of a Historic Resources Evaluation and implementation of any recommended measures
 - b. Leadership in Energy and Environmental Design (“LEED”) certification from the United States Green Building Council or equivalent certification approved by the Planning Manager or designee
 - c. Publicly accessible, privately owned open space
 - d. Publicly available parking spaces within a new parking structure
 - e. Trail or open space easement for use by public
 - f. Public art subject to the City of Martinez’s Public Art Policy (City Council Resolution 123-22)
 - g. Implementation of Universal Design and Accessibility standards, as provided in Chapter 15.34 of the Martinez Municipal Code.

D. Off-Site Community Benefits:

1. For every three percent of construction valuation, as determined by the Chief Building Official or designee, provided as an off-site community benefit(s), the applicant shall be permitted one development incentive.
2. All off-site improvements shall be constructed and maintained by the applicant and owned by the City.

3. All off-site improvements shall be constructed within 500 feet of the proposed project parcel(s).
3. The applicant may propose the precise location and any other specifics of these improvements, so long as they have a nexus to the proposed project as determined by the City.
4. Applicants may choose to include any of the following off-site community benefits:
 - a. Right-of-way improvements
 - b. Façade improvements
 - c. Utility undergrounding

E. Flexible Community Benefits:

1. Should an applicant request to provide a community benefit not explicitly provided in this Chapter, then the applicant may file for a request, subject to the City Council determining the community benefit is commensurate or greater than the community benefits outlined in this Chapter.
2. The applicant shall be permitted one development incentive for every three percent of project construction valuation, as determined by the Chief Building Official or designee, of the provided community benefit.

- F. Combining On-and Off-Site Community Benefits.** In the event that a proposed on-or off-site community benefit could be constructed without meeting the required three percent construction valuation threshold, additional community benefits shall be provided to fulfill the minimum community benefit requirements, subject to City approval.

Alternatively, in the event an applicant elects to contribute to a City-funded program instead of an on-or off-site community benefit to fulfill the minimum community benefit requirements, that missing difference must be equivalent to the five percent requirement.

22.81.070 – Findings.

To grant a development incentive as prescribed in this Chapter, the following findings must be made in addition to the findings required by Section 22.40.070:

- A. That the proposed project will provide community benefits sufficient to satisfy the requirements provided in this Chapter.
- B. That the proposed community benefits for the project are significant and beyond what would otherwise be required for the project under applicable

rules and regulations, conditions of approval, and/or environmental review mitigation measures.

- C. That the proposed community benefits for the project are acceptable and appropriate, and will provide tangible benefits to the community.

22.81.080 – Procedure.

- A. **Review Authority.** Applications requesting to use the provisions from this Chapter shall be acted on by the respective review authority associated with the applicable requirements provided in Title 22, unless the applicant seeks use of a flexible community benefit.
- B. **Duration of Entitlement.** The entitlement of development incentives and community benefits shall be the same as the duration of the approval for the respective project.
- C. **Application Requirements.** Applicants requesting to use the provisions from this Chapter shall submit the associated Planning Application with the following information:
 - 1. A list of requested development incentives, including any calculations related to density bonuses such as base unit density, number of bonus units, and number of affordable housing units.
 - 2. Selected community benefits from Section 22.81.060, including:
 - a. Preliminary construction valuation in a manner determined by the Chief Building official or designee, if applicable.
 - b. Preliminary materials and labor costs associated with any improvements used to secure development incentives, if applicable.
 - 3. Written response to findings described in Section 22.81.070.
 - 4. Completed Waiver of Rights to utilize State Density Bonus Law form.
- D. **Fees.** All fees associated with community benefits shall be paid prior to the issuance of a Building Permit.
- E. **Environmental Review.** The environmental review for any project proposing a community benefit that is integrated as a part of a project, that community benefit shall be adequately included as part of the project's environmental review process. If the proposed community benefit will be integrated off site and constructed separately, separate environmental review shall occur.

SECTION XX. 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 XXI. 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 or against the ordinance in a newspaper of general circulation published and circulated in the City of Martinez.

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 ____ day of ____, 2024, and adopted at a regular meeting of the City Council of the City of Martinez, held on the ____ day of ____, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD G. HERNANDEZ
CITY CLERK

Approved as to form:

TERESA L. HIGHSMITH
CITY ATTORNEY

Exhibit B – Draft City Council Resolution – General Plan Amendment

RESOLUTION NO. ____-24

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARTINEZ APPROVING AN AMENDMENT TO THE GENERAL PLAN 2035 TO RELOCATE FLOOR AREA RATIO REQUIREMENTS FROM THE GENERAL PLAN TO THE ZONING ORDINANCE; AND FINDING THE IMPACT OF THIS ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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, on September 10, 2024, per Government Code Section 65354, the Planning Commission made a written recommendation for the adoption of the General Plan Update by unanimously adopting Planning Commission Resolution No. 24-07 and has submitted its recommendation to the City Council; and

WHEREAS, the Record of Proceedings ("Record") upon which the City Council bases its consideration of the General Plan Update includes, but is not limited to: (1) all staff reports, City files and records and other documents prepared for and/or submitted to the City Council, and the City relating to the General Plan Update; (2) the evidence, facts, findings and other determinations set forth in this resolution; (3) all documentary and oral evidence received at public hearings or submitted to the City relating to the General Plan Update; and (4) all other matters of common knowledge to the City Council including, but not limited to, City, state and federal laws, policies, rules regulations, reports, records and projections related to the preparation and adoption of the General Plan Update; and, 5) the recommendation of the Planning Commission set forth in Planning Commission Resolution Nos. 22-11 and 22-12.

WHEREAS, on _____ the City Council held a duly noticed public hearing to consider the adoption of this minor amendment to the General Plan, at which time all interested parties had the opportunity to be heard; and

WHEREAS, proper notice of said hearing was given in all respects as required by law; and

WHEREAS, the City Council did hear and consider all said reports, recommendations and testimony herein above set forth and used its independent judgement to evaluate the proposed actions.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Martinez hereby resolves that:

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. The City Council finds that the proposed minor amendment to the General Plan is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15378 because it is not a "project."

SECTION 3. The City Council hereby approves amending the General Plan 2035, to relocate the Floor Area Ratio regulations from the General Plan to the Zoning Ordinance, as outlined in Exhibit A (“Land Use Element”).

SECTION 4. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at City Hall, 525 Henrietta Street, Martinez, California, 94553. The custodian for these records is the City Clerk. This information is provided pursuant to Public Resources Code Section 21081.6.

* * * * *

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_____, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

Exhibit C – Strikethrough and Underlined Version of General Plan Amendments



Downtown Martinez (Source: Kevin Murray)

2.1 | INTRODUCTION

The purpose of the Land Use Element of the General Plan is to establish the framework for the goals, policies, and implementation measures that will shape the physical form of Martinez over the next 20 years. In addition to addressing the intensity and distribution of land uses, the Land Use Element identifies those areas of the Martinez where change will be encouraged and those areas where the existing land use patterns will be maintained and enhanced.

The Land Use Element contains the following sections:

- 2.2 Regulatory Framework:** This section describes the Land Use Element’s relationship to other elements, the Zoning Ordinance, and other plans; the City’s planning boundaries and sphere of influence; and key agencies with land use relevant authority.
- 2.3 Land Use Setting:** This section describes Martinez’s population, demographics, and housing; existing land use patterns and topographic features in the city; flood prone areas; noise generators; land use subareas; and governmental facilities.
- 2.4 Land Use Density and Intensity:** This section describes the method for calculating density and intensity for residential, commercial, and mixed-use developments.

- 2.5 Land Use Designations:** This section describes the land use designations used throughout the City’s Land Use Map.
- 2.6 Land Use Map:** This section lists the major revisions that have been incorporated into the City’s new land use map.
- 2.7 Land Use Element Goals, Policies, and Measures:** This section lists the goals, policies, and implementation measures for the Land Use Element.



View of Refineries from Martinez Marshlands (Source: Kevin Murray)

2.2 | REGULATORY FRAMEWORK

California Government Code §65302(a) requires that the Land Use Element designate the proposed general distribution, general location, and extent of uses of land within the City. Further, it must set standards of population density and building intensity for each of the land use designations. The Land Use Element further shall identify those areas of the General Plan that are subject to flooding as set forth in maps prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. This information is

described through text and figures, which establish the blueprint for future land uses and demonstrate how these uses are integrated with other General Plan elements and policies.



Martinez Marina (Source: Kevin Murray)

Relationship to Other General Plan Elements and Plans

California Law requires the Land Use Element be consistent with all other elements in the General Plan. Land use planning dictates the proximity and relationship between different land uses, having a direct effect on the make-up and distribution of the City's housing stock, traffic and circulation, where we recreate, and availability of public amenities and how they are distributed throughout the City. Additionally, the Land Use Element influences economic vitality and helps to protect development from natural disaster-induced damage and preserve Martinez's natural beauty. Other General Plan elements and related separate plans that have an impact on the Land Use Element include:

- **Circulation Element** – This element and the related Growth Management Element address circulation capacity and alternative modes of transportation which affect land use densities and capacity.
- **Environmental Justice & Disadvantaged Communities Element** – This element addresses disadvantaged communities and affects proximity of land uses, and commercial and educational access opportunities through land use designations.

- **Historic, Cultural & Arts Element** – This element supports retention of existing historic sites and buildings which affect land use designations and impose development restrictions.
- **Housing Element** – This element addresses State and regional housing production requirements, which affects land use designations, density, and preservation policies.
- **Noise & Air Quality Element** – This element includes policies that affect siting of various land uses in proximity to noise generators or stationary pollution sources, and encourages land uses that limit air pollution either on-site or through travel.
- **Open Space & Conservation Element** – This element and the related [Climate Action Plan](#) encourage retention of existing open space areas and conservation of natural resources which in turn support land use policies that limit residential growth.
- **Parks & Facilities Element** – This element encourages retention of existing park areas and creation of additional park areas which limits land use for new development.
- **Public Safety Element** – This element sets forth policies regarding areas inappropriate for development due to susceptibility to fire, earthquakes, and landslides, which support land use designations for open space, and discourages the designation of certain areas for further development.

Together these elements, plans, and their policies define the parameters of the Land Use Element. Martinez is largely built out, and potential areas for growth are constrained by environmental characteristics that inhibit development. The collective emphasis of the various elements is to encourage land uses that limit future growth, preserve existing areas, retain the low-density character of the community, and retain the high quality of life derived from ample open space and recreation areas.



Victorian Home in Central Martinez

Relationship to the Zoning Ordinance and Specific Plans

The General Plan relies on specific plans and the Zoning Ordinance for implementation. While the Land Use Element establishes a broad policy direction, the Zoning Ordinance and Specific Plans describe property-specific guidelines to aid in meeting the General Plan goals. For example, the General Plan establishes residential areas throughout the City and describes the general character designated lands are desired to have. The Zoning Ordinance further describes the physical standards (specific height limits, uses, massing, setbacks, etc.) permitted in each area aimed at developing or maintaining that area-specific character. The specific plans in Martinez adopted in accordance with Government Code Section 65453 include the following:

Downtown Martinez Specific Plan: This specific plan was adopted by the City Council in 2006. It primarily addresses land use development policies and development standards which will guide private and public investment in the downtown business area. The Downtown Martinez Specific Plan (DSP) study area covers about 220 acres and is bounded on the north by the Radke Martinez Regional Shoreline and Martinez Waterfront Park; on the east by the PBF Refinery and a hillside residential area accessed by Miller Avenue; on the south by Susana Street; and on the west by cemeteries, Rankin Park, Talbart and Richardson Avenue, and by Thomas Hill, the bluff to the west of Barrells Street. The DSP identifies areas for smart and sustainable growth through increased densities that support the Downtown businesses, provide housing

opportunities for housing production goals, and are supported by existing transportation and utility infrastructure. Land use designations in the Land Use Element are discussed for their consistency with the land use designations in the DSP.

Alhambra Valley Specific Plan: Alhambra Valley is an established semi-rural community of approximately 1,000 acres located in the south-westerly portion of Martinez, within the City’s sphere of influence (SOI), portions of which were annexed into the City in late 2012. As part of the annexation approval process, land use goals unique to the Alhambra Valley (which are contained in the Alhambra Valley Specific Plan, adopted by Contra Costa County in 1992) were adopted by the City and integrated into the General Plan.

Alhambra Hills Specific Area Plan: The Alhambra Hills area is in the southern portion of the City to the west of Alhambra Avenue, consisting primarily of open space hills. The specific area plan area is surrounded by local collector streets including Alhambra Avenue on the east, Reliez Valley Road on the west, Alhambra Valley Road to the north, and Horizon Drive, Webster Drive and Benham Drive to the south, encompassing approximately 594 acres. The purpose of the Alhambra Hills Specific Area Plan is to specify policies for conservation and development which will permit limited development to occur without diminishing the natural form or scenic attributes of the hills. The Alhambra Hills Specific Area Plan was adopted by the City Council in 1987 and amended in 1989.

Central Martinez Specific Area Plan: This specific area plan incorporates a large area of the historic Downtown and surrounding older residential areas, the waterfront, and the open space areas west of the Downtown. The specific area plan for Central Martinez formulates goals and policies expressly designed to guard the character of the City’s older sections while guiding the evolution of the functions at the City core. Policies for major portions of the specific area plan area have subsequently been updated and supplanted with the adoption of the Downtown Specific Plan, Franklin Hills Specific Plan, Protected Open Space and Parks Overlay (POPO) designation, Housing Element, and the updated Circulation Element, and Open Space & Conservation Element.

Hidden Lakes Specific Area Plan: This specific area plan covers the area in the southeastern portion of the City bounded by Canter Avenue, Contra Costa Canal, Chilpancingo Parkway, and Morello Avenue, and includes Hidden Lakes Park. The Hidden Lakes area consists of 565 acres of undeveloped pasture lands largely surrounded by subdivisions. With its natural knolls and ridges on the south and southwest and its unique “hidden valley” running through the eastern portion, the area includes open space that is preserved through a land use designation of Open Space and Recreation (OS&R).

John Muir Parkway Specific Area Plan: This specific area plan includes the area north of State Route 4 from the eastern edge of the City at Interstate 680 to approximately Howe Road on west. The area is developed with a mixture of low, medium and high density residential, commercial and open space uses. Land uses are reflected in the new categories of low, medium and high residential, and commercial and regional commercial. Open space areas are designated Open Space (OS).



Single-Family Home on Brown Street (Source: Kevin Murray)

Planning Boundaries and the Sphere of Influence

Martinez is a relatively small city in central Contra Costa County that has a total area of 13.1 square miles, of which 12.1 square miles is land and 1.0 square mile is water. In addition to the City proper, state law requires that a municipality adopt a General Plan that addresses “any land outside its boundaries which in the planning agency’s judgment bears relation to its planning (California Government Code §65300).” This includes Martinez’s Sphere of Influence (SOI), which encompasses unincorporated areas that are related to the City’s current and desired land use planning and growth. Shown on [Figure 2-1a](#), the SOI of Martinez includes all lands within the City’s jurisdiction as well as small areas within Alhambra Valley and a much larger area east of the City and north of State Route 4 that predominantly includes industrial, open space, and some residential uses (see also [Figure 2-1b](#) for a map of the Urban Limit Line).

The effective Planning Area boundary for the General Plan is coterminous with the City’s Sphere of Influence. Policy documents from the surrounding cities and the County of Contra Costa

which address areas beyond the Sphere of Influence were also considered in preparing this General Plan. Of note is the boundary for Sanitary District No. 6 (SD-6), which provides services to the City. The boundary for SD-6 includes 47 residential dwelling units (Stonehurst Subdivision) within the City limits, as well as land outside of the district. On March 31, 2015, the Contra Costa County Board of Supervisors adopted Resolution No. 2015/108 designating the Martinez City Council as the Board of Directors of Contra Costa County SD-6.

Development outside the City limits has the potential to affect Martinez neighborhoods and business districts. This is especially true in the area referred to as unincorporated Martinez, generally located to the southwest, northeast and east of the City. Many residents and businesses in these areas, including portions of the Alhambra Valley (in the southwest) and the Mt. View, Vine Hill and Blum Road areas (to the northeast and east) have Martinez addresses and use Martinez services and community facilities, yet they are not within the City limits. In addition, much of the land operated by PBF Refinery east of Downtown is within the County's jurisdiction.

The [Contra Costa County Local Agency Formation Commission \(LAFCO\)](#) which is charged with reviewing proposals for annexation within Contra Costa County. A city's SOI is defined by the California Government Code as the probable ultimate physical boundaries and service area of a city. Cities are empowered by the State to consider these areas and other unincorporated areas that bear relation to the city's future in their general plans. In theory, this provides cities with a mechanism to shape the future of areas that they may consider as future annexation areas.

While the largely industrial and residential areas east of the Interstate 680 Freeway are somewhat disassociated with Martinez city proper, the Alhambra Valley and Mt. View neighborhoods are far more linked to Martinez. These areas receive City water service and school population is serviced by the Martinez Unified School District. The Mt. View Sanitary District provides wastewater service to the Mt. View neighborhood, and the Central Contra Costa Sanitary District provides wastewater service to the Alhambra Valley neighborhood. The [Contra Costa County Fire Protection District](#) provides fire protection service to both neighborhoods. Pursuant to current LAFCO policies for the eventual annexation of out-of-area service areas, the City annexed a portion of Alhambra Valley developed in the 1990s. Future annexations will be considered at appropriate times. One area with the potential for additional development (consistent with both the City's and County's land use plans for the area), is the North Pacheco corridor of Pacheco Boulevard, just west of State Route 4.



Townhomes on Parkway Drive

Local Documents and Organizations

Contra Costa County General Plan: The City of Martinez is one of 19 incorporated cities within Contra Costa County. Contra Costa County’s unincorporated lands adjoin Martinez on its eastern and western boundaries, and Pleasant Hill and Concord border Martinez on its south-eastern border. The [Contra Costa General Plan](#) focuses on existing land uses, objectives and goals for the unincorporated areas within the County.

Neighboring Cities’ General Plans: The Cities of Pleasant Hill, Concord and Lafayette are adjacent to the Martinez planning area. Due to their locations, each of these jurisdictions’ General Plans is relevant to the Martinez General Plan. In particular, shared land use-related issues between Pleasant Hill and Martinez include shared public school acreage, fire services, water services, and open space.

Homeowners Associations: The City has many homeowners associations, some of which consist of small, loose affiliations of homeowners in a particular neighborhood, while others are larger and more formal in their structure. Many of the active associations focus on maintenance of properties within their association boundaries, considering issues such as general neighborhood character, building additions, landscaping, storage of boats and vehicles, and

similar issues. Other associations respond to issues as they arise within their particular neighborhood.

Key Land Use Regulatory Agencies

Association of Bay Area Governments: The [Association of Bay Area Governments \(ABAG\)](#) was established in 1961 to help protect local control, plan for the future, and promote cooperation on area wide issues. ABAG is the regional representative of the Bay Area, and its members consist of all cities and counties in the Bay Area. As such, state and federal governments have designated ABAG as the official Council of Governments (COG) for the Bay Area. ABAG has responsibility to issue periodic regional housing needs allocations (RHNA) for cities which set forth housing production goals for market rate and affordable housing.

Metropolitan Transportation Commission: The [Metropolitan Transportation Commission \(MTC\)](#) was established as a Metropolitan Planning Organization, and supports the region's network of streets, roads, highways, public transit systems, airports and other transportation resources, including the movement of goods through ports and freight rail lines. MTC works with cities and counties to establish short- and long-term goals and provides resources to help them reach these goals. MTC planning focuses on reducing greenhouse gas emissions, making safer streets that work for multiple forms of transportation, and ensuring equal access to transportation resources. MTC provides funding to local governments to support transportation planning and infrastructure improvements. The regional plan that guides MTC and ABAG planning efforts is the [Plan Bay Area 2050](#).

One of the local planning area designations that assist with regional growth and transportation is the Priority Development Area program. By bringing transit, jobs and housing together in downtowns, along main streets and around rail stations, Priority Development Areas (PDAs) help the Bay Area reduce greenhouse gas emissions and address the region's housing crisis. Martinez applied for and received PDA status for the Downtown area as it is within one half mile of a rail station with bus service. The PDA designation makes the area eligible for state and federal funding distributed through MTC. The objectives of the PDA program are consistent with the transportation, mixed-use, infill development policies of the City's Downtown Specific Plan, and the transportation improvement policies of the [Downtown Community-Based Transportation Plan](#), which in turn inform the policies of the General Plan Land Use Element.

Bay Area Air Quality Management District: The [Bay Area Air Quality Management District \(BAAQMD\)](#) regulates air quality within the nine San Francisco Bay Area counties. Among its responsibilities are preparation and implementation of air quality regulations and plans intended to reduce air pollutants. BAAQMD regulations are reflected in the policies of the General Plan Noise & Air Quality Element.

California Department of Transportation: The [California Department of Transportation \(Caltrans\)](#) is responsible for interregional transportation services, including highways, railways and associated structures. In the Martinez planning area, Caltrans maintains Interstate 680 and State Route 4, also known as the John Muir Parkway. Direct interface occurs with Caltrans for the operation of intersections of local roads and freeway interchanges.

California Public Utilities Commission: The [California Public Utilities Commission \(CPUC\)](#) regulates privately-owned electric, telecommunications, natural gas, water and transportation companies.



Martinez Marina (Source: Kevin Murray)

California State Lands Commission: The [State Lands Commission \(SLC\)](#) manages all lands owned and entrusted to the State of California. These include the beds of many rivers, sloughs, and lakes, as well as coastline and granted lands. The SLC issues permits and leases for use of State lands. In September 2014, the City was granted all right, title and interest in the Martinez Marina and the associated landside parcels. The SLC requires that the City of Martinez submit by January 1, 2020 a trust land use plan (referred to as the [Marina and Waterfront Land Use Plan](#) in this General Plan document). The plan was drafted and is under review by the SLC. The draft Marina and Waterfront Trust Land Use Plan will describe any proposed development, preservation, recreation, or other use of the property, and requires the State Lands Commission Board approval.

Regional Water Quality Control Board: The [Regional Water Quality Control Board \(RWQCB\)](#) regulates surface water pollution (wastewater discharge and stormwater runoff), dredging, and filling. RWQCB issues permits and requires monitoring for all activities that could impair the beneficial use of receiving waters. RWQCB regulations are reflected in the Open Space & Conservation Element.

Federal Emergency Management Agency: [Federal Emergency Management Agency \(FEMA\)](#), through the Federal Insurance Administration, administers the National Flood Insurance Program (NFIP). FEMA produces Flood Insurance Rate Maps (FIRMs) for the communities participating in the NFIP, which identify flood hazard areas and restrict development in these areas. FEMA mapping is included in this element and flood prevention measures are included in the Public Safety Element.

California Department of Fish and Wildlife: The [California Department of Fish and Wildlife \(CDFW\)](#) is responsible for the conservation, protection and management of wildlife, native plants, and habitat of the State that are necessary to maintain biologically sustainable populations. It acts as advisor to other permitting agencies and enforces its own regulations. Permits issued to development projects by the California Department of Fish and Wildlife include Incidental Take Permits, for the taking of threatened and endangered species, and Streambed Alteration Agreements. The Department also has regulatory authority over discharges into water bodies that impact aquatic life. CDWF regulations are reflected in the policies of the Open Space & Conservation Element and will also be reflected in the Marina and Waterfront Trust Land Use Plan.

U.S. Army Corps of Engineers: The [U.S. Army Corps of Engineers \(USACE\)](#) enforces the Clean Water Act and the Rivers and Harbors Acts. The Corps regulates the dredging and filling of the nation's navigable waters and wetlands. The Corps is the primary federal agency responsible for making wetland determinations and issuing permits for wetlands or water fill. On-going dredging of the Marina to maintain its usability requires Corps permits.

U.S. Fish and Wildlife Service: The [U.S. Fish and Wildlife Service \(USFWS\)](#) regulates impacts to federally-listed endangered species and their habitats. Like the California Department of Fish and Wildlife, the USFWS primarily acts as advisor to other permitting agencies, but also enforces its own regulations, including an ability to issue incidental take permits. USFWS regulations will inform the policies of the Marina and Waterfront Trust Land Use Plan.



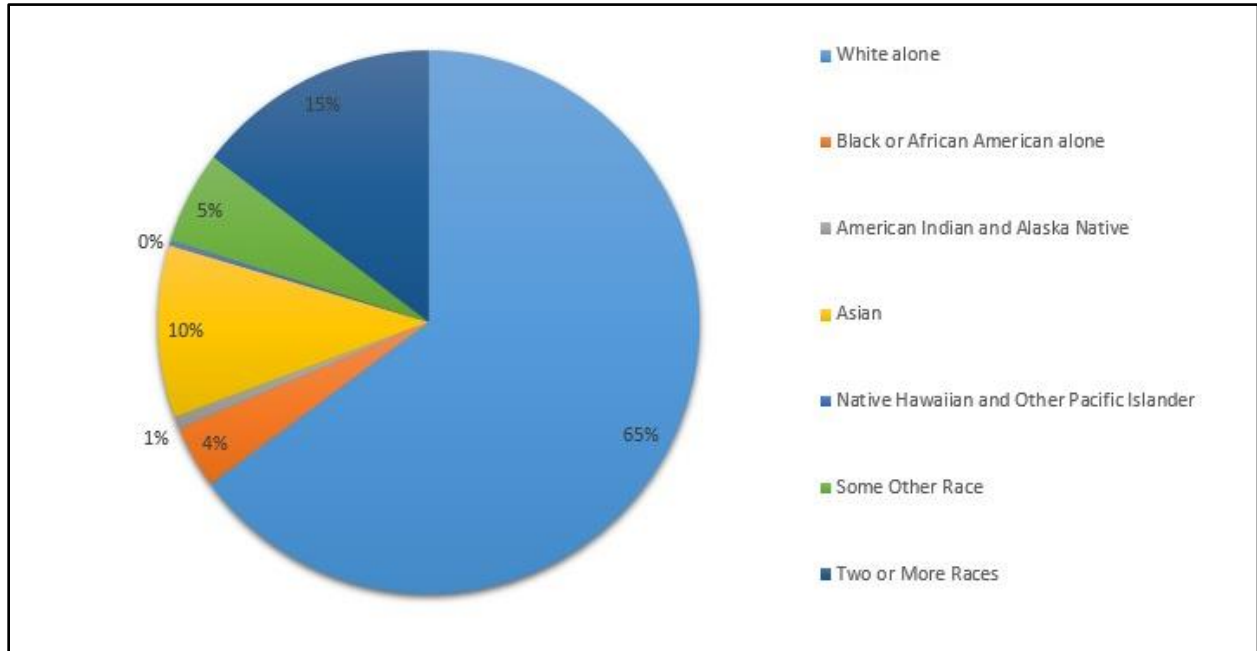
Martinez Residents (Source: Kevin Murray)

2.3 | LAND USE SETTING

Population, Demographics, and Housing

According to the U.S. Census Bureau, Martinez had a population of 37,287 as of 2020 (data from US Census Bureau). In January of 2020, the California Department of Finance reported that there were 15,256 housing units within the City, of which 9,572 (63%) were single-family detached homes. Major economic sectors within the city include government, retail, education, medicine, and petroleum.

Over the next 20 years (2020-2040), Plan Bay Area 2040 forecasted Martinez's population will add 3,375 people between 2020 and 2040, a 9% increase. The population is expected to age considerably, echoing regional and national trends. Therefore, it is important to balance the needs of the young families the City hopes to attract, as well as seniors who have, in many cases, long considered Martinez home. Additional information on housing and demographics can be found in the 2015-2023 [General Plan Housing Element](#).

Figure 2-2: Demographics

Land Use Pattern

The City's residential and commercial areas represent a wide variety of land uses, from the intermingling of residential and commercial uses Downtown, to the rich design quality and character of older neighborhoods adjacent to the Downtown, and the more prevalent twentieth-century suburban-type land use patterns separating the City's commercial centers. The City provides many advantages of urban living, while at the same time maintaining a connected feeling in its residential neighborhoods along with a distinctive downtown. Careful planning and community involvement regarding development in the City and the surrounding area has preserved important physical features, such as ridgelines, hillsides, and natural areas, while providing for necessary services, employment, and a diversity of housing opportunities.

Although Martinez was virtually built out by the mid-1980s, the City continues to change and evolve. New businesses replace old businesses, and homes are expanded and remodeled every day. Martinez is dynamic; its look and feel is constantly being reshaped. The potential for change may increase in the future as the Bay Area rethinks its historic growth patterns. Today, concerns about congestion and urban sprawl are creating more pressure on older cities and suburbs to make more efficient use of land. There is a growing push to reinvest in the region's established communities. This trend will potentially have an impact on Martinez during the next few decades.



Martinez Youth Volunteers (Source: Kevin Murray)

As a mature community, it is critical that Martinez think strategically about how and where reinvestment should occur and where it is appropriate for limited new development to take place. The overarching goal is to conserve those parts of the City that have value the way they are and to direct redevelopment to areas where land may currently be underutilized.

Martinez is a city of neighborhoods, corridors, and centers that are framed by surrounding open areas, hillsides, and water. Martinez was developed over a relatively long time span; as a result of this long evolution, development in Martinez embodies a unique character. The rich heritage of the community, historic growth patterns related to commerce, housing demand and governance, combined with different architectural styles representative of varying eras define the community's character. Principal among these is the richness and potential of its traditional Downtown with retail, restaurant, office, residential, and civic uses.

Natural Topographic Features

The City is adjacent to water and four regional parks. In various areas of the City, although most prominently to the west, there are defining hillsides, major open space areas and visually

significant lands. The unique topography of natural and naturalistic hillsides defines the community and provides the visual frame for the more urbanized areas of the community.

Natural topography is often preferred as open space and can be property owned by the City or other public agencies (i.e., East Bay Regional Park District, National Park Service, etc.) for the purpose of public recreation and/or preservation of scenic and natural resources, or it may be private lands with land use regulations or easements restricting use to open space. Examples of unique natural areas include the waterfront; City/East Bay Regional Park District lands at Franklin Hills and Shoreline; wetland areas; Mt. Wanda; Schaefer Memorial Open Space; and Hidden Lakes and Roanoke (Virginia Hills) open space areas. These defining natural topographic features may include private lands that have either extreme constraints to development, such as steep slopes or scenic resources to preserve.



View east of former Granger's Wharf

Flood Prone Areas

The natural topography of the city consisting of valleys surrounded by natural hillside areas creates water drainage patterns that flow to the Carquinez Strait. The most significant waterway in Martinez is Alhambra Creek which flows through the length of the City. Heavy winter rains may cause flooding along the creek and the City's waterfront area as shown in [Figure 2-3](#). The waterfront area is also subject to potential flooding from sea level rise. Most of

the flood prone areas along the creek are already developed, so measures to avoid damage from flooding are primarily safety oriented rather than land use oriented. Additional information and policies for the avoidance and minimization of flooding impacts are found in the Public Safety Element. Policies to avoid impacts of flooding from sea level rise as well as precipitation will also be incorporated into the Marina and Waterfront Trust Land Use Plan.

Noise Generators

The major noise generators within or near the City are the two freeways (State Route 4 and Interstate 680); the train tracks and operations within the Downtown area and near State Route 4; and vehicle traffic from major arterials such as Alhambra Avenue. Minor noise is experienced from the nearby Buchanan Field Airport. Detailed information about the level and reach of noise generated from these sources (noise contours), and policies to address noise impacts are discussed in the Noise & Air Quality Element. For the older portions of the City in or near the Downtown that were developed before the City's first General Plan was adopted in 1973, proximity of noise sensitive uses to noise generators was not focused on to the degree it is for current planning efforts. Reducing the impacts of existing noise generators on existing uses in close proximity is addressed by policies in the Noise & Air Quality Element for retrofitting existing structures to comply with current building codes for noise abatement. Since the major opportunity for additional growth is within the Downtown area (which is in proximity to the Union Pacific train operations) policies for reducing interior noise levels for new development through appropriate building materials and construction methods are appropriate, and are addressed in the Noise & Air Quality Element.

Land Use Sub Areas

Martinez is comprised of several distinct areas each with their own unique character. In general, these areas can be described as follows:

Marina and Waterfront Area: The waterfront area consists multiple uses and facilities. Much of the area consists of the Radke Martinez Regional Shoreline under the control of the [East Bay Regional Park District \(EBRPD\)](#), as well as several natural marsh and wetland areas that support wildlife. Other uses are recreation oriented and include the Martinez Marina, Ferry Point picnic area and fishing pier, Joe DiMaggio Ballfields, a bocce ball complex, and a soccer field. Historic uses included commercial fishing and canneries.

2

LAND USE ELEMENT



Ken Bothée Bocce Courts at the Martinez Bocce Courts Complex (Source: Kevin Murray)

The majority of the area is owned by the State of California Trust Land Commission (SLC). The SLC has granted control over various parts of the waterfront to EBRPD and the City. Per State law, use of public trust lands is generally limited to water-dependent or water-related uses, including commerce, fisheries, and navigation, environmental preservation, and recreation. Recognized Public Trust uses include, among others, public access, ports, marinas, docks and wharves, buoys, hunting, fishing, bathing, swimming, and boating. Ancillary or incidental uses—uses that are not independently Public Trust-consistent but that are supportive and necessary for trust use, or that accommodate the enjoyment of Public Trust lands—are also permitted; examples include facilities to serve visitors, such as hotels and restaurants, shops, parking, and restrooms. Other examples of acceptable ancillary uses are commercial or industrial facilities that provide support to water-dependent uses that must be located on or directly adjacent to the water, such as warehouses, container cargo storage, and facilities for the transfer of oil and gas products through marine oil terminals. Public Trust lands may also be kept in their natural state for habitat, wildlife refuges, scientific study, or use as open space. These State use limitations inform the land use policies of the Martinez General Plan for the waterfront area.

The trust use grant of four waterfront parcels to the City included a requirement for the City to prepare a Trust Land Use Plan. This plan, which will be entitled the “Marina and Waterfront Trust Land Use Plan,” will incorporate the allowed uses described above as well as a long-term plan for financial stability of the Marina operations. Land use policies in the Marina and Waterfront Trust Land Use Plan will need to be consistent with State land use limitations and

the Land Use Element. It will also include polices to avoid and mitigate impacts from sea level rise as discussed in the Public Safety Element.



Martinez Marina

Downtown Core: The Downtown Core is the cultural and historic heart of Martinez. The quality of Downtown’s heritage creates an historic urban fabric unparalleled in Contra Costa County. The positive image of Downtown is strongly influenced by this character. The Downtown Core is an essential part of ensuring Martinez’s future economic health and growth. The Downtown Core encourages a concentration of uses that generate activity during weekdays, evenings, and weekends. The retail uses in this area are intended to serve the needs of Downtown residents and employees, as well as the specialty shopping needs of city-wide residents, regional shoppers, and tourists.

Today, the Downtown includes a mix of retail, office, residential, governmental, entertainment and visitor-serving uses. The Downtown Core area includes mixed use activities that include commercial, office and second-story residential along Main and Ferry streets, and north of Ward Street. The area also includes the County Civic Center at Escobar and Court Streets, other existing government institutions and supporting uses, and the Intermodal Transit Station. The area between the Station and the retail core is an excellent development opportunity for retail, entertainment, office and residential uses.

2

LAND USE ELEMENT



Downtown Martinez

Transit access and Downtown’s pedestrian accessibility creates a place where people can live and work without relying heavily on automobile transportation. Outdoor gathering spaces can serve to make Downtown community oriented. As change occurs and Downtown revitalizes, maintaining Downtown’s pedestrian orientation, preserving the heritage of the community and historic character, and maximizing the benefits of transit accessibility is essential for continuing and enhancing the Downtown Core. The Downtown Core area has been designated a Priority Development Area (PDA) through the regional planning agencies ABAG and MTC. PDAs are recognized in Plan Bay Area 2040 as areas that will encourage transit-oriented growth, and may be eligible for federal funding for transit-oriented planning and infrastructure improvements.

New housing is desired to add vitality to the Downtown. Increasing the residential population in the Downtown will benefit businesses by increasing the number of people living, working and recreating in the Downtown. In turn, the increased market demand may encourage business owners to extend their hours of operation and expand upon commercial activities currently available. Encouraging new Downtown housing will also assist the City in meeting its ABAG regional housing production goals as set forth in the 2015-2023 [Housing Element](#).



Contra Costa County Administration Building in Downtown

Downtown Shoreline: The portion of the Downtown Shoreline north of the railroad contains two distinct sub-areas: 1) the existing residential Granger’s Wharf neighborhood along Berrellesa Street and 2) the industrial uses along Embarcadero Street. The Granger’s Wharf area retains its historic character from the Italian Fishing Village that existed before commercial fishing was banned along the Carquinez Strait in 1957. The established residential uses and character of Granger’s Wharf should be maintained, although expansion of East Bay Regional Park District’s facilities, as the access into the wetlands portion to the Radke Martinez Regional Shoreline, may be considered. Limited recreation oriented commercial uses may also be possible in the Granger’s Wharf area.

In contrast with Granger’s Wharf, the Embarcadero Street properties have little character and have been used as service yards for various industrial purposes and may be well suited for alternate uses that better relate to the shoreline setting, such as waterfront-oriented commercial uses.

In 2016, the City constructed a second point of vehicular access to the Downtown Shoreline area north of the railroad by erecting a bridge that provides access to additional intermodal overflow parking areas to the east. This new vehicular access helped to remove a barrier to development intensification of this area.



View of Franklin Hills (Source: Kevin Murray)

Downtown Neighborhoods: This area surrounding the Downtown Core is defined by the presence of existing older service commercial/industrial and eclectic uses. It is an area in transition and, as such requires balancing retention of current uses, while encouraging the ultimate replacement of such uses with a variety of more intense uses which can better define a traditional mixed-use urban environment and encourage the introduction of more residential uses as outlined in the 2006 [Downtown Specific Plan](#).

Traditional Central Neighborhoods: The south-of-Downtown area is one of Martinez’s oldest neighborhoods; the portion nearest to Alhambra Avenue is part of Martinez’s Original Survey from the mid-1800s and the area between Pacheco Boulevard and the PBF Refinery dates to the early 1900s. The Central Neighborhoods are primarily residential with very limited neighborhood commercial, and office uses located along Alhambra Avenue and Pacheco Boulevard, along with several churches and schools.

While most of the housing units in the Central Neighborhoods are single-family homes, there are a wide variety of bungalow courts, duplexes, fourplexes, and small apartment complexes throughout the area. Most housing in the Central Neighborhoods is over 50 years old, and some may predate the City’s zoning regulations.

Most of the units built in the area south of Downtown since the 1950s are multi-family, as the City's first and subsequent land use regulations designated this area for intensification of residential density, given its proximity to Downtown. The style of these in-fill units from the 1950s-1970s are typically in strong contrast to their older pre-war neighbors, with open carports and minimal detailing common to such mid-century modern construction. With the area stabilizing recently, most construction activity has been slow but there have been steady improvements to the existing housing units, especially to the older single-family homes.

This Central Neighborhoods have distinct characteristics – they have quaint visual appeal, are within walking distance to Downtown, and have the defining pattern of 20,000-square-foot blocks historically platted with 5,000-square-foot lots with a historically established pattern of higher density buildings on corner lots.

Suburban and Hillside Neighborhoods: These neighborhoods are located to the south and east of the older parts of Martinez. These are newer areas with more of a suburban feel, similar in many ways to contemporary suburban developments. These areas include single-family and multi-family developments, offices, medical facilities, schools, commercial centers, isolated open space, and other uses that have a contemporary suburban character and feel.

Alhambra Avenue Corridor: The Alhambra Avenue corridor is a geographically distinct sub-area of the larger Alhambra Valley, defined by the Franklin Hills to the west, Pine Street area ridgeline to the east, the train trestle/Highway 4 to the south, and the Downtown area to the north. Alhambra Avenue is the focal point of this area and contains a variety of residential, commercial, and institutional uses. The corridor is visually distinct from the older Downtown area north of the Berrellesa Street one-way street split near the Contra Costa County Regional Medical Center. The geography of the corridor, its larger scale institutional uses, and the width of Alhambra Avenue itself all define an area with an identity distinct from the Downtown to the north. The use of alphabet street names, A through K is also a unifying element of the corridor.

Within this corridor there are distinct northern and southern halves. The northern half is located between the Contra Costa County Regional Medical Center and Alhambra Way, and the southern half is located below Alhambra Way, south to State Route 4. The northern half evolved between the 1900s and 1940s as a residential extension of the older City. The southern half did not exist until the 1950s. Prior to the 1950s, Alhambra Avenue was part of Canyon Avenue and served as an extension of Franklin Canyon Road. In the mid-1950s, Alhambra Avenue was extended south through the middle of the area, between Alhambra and Franklin Creeks, and commercial development soon filled the spaces between the new road and the creeks.

Many uses along this portion of Alhambra Avenue include auto service/sales or retail, fast food restaurants, gas stations, and motels. Starting in the mid-1960s and possibly coinciding with the Federal government acquisition of the [John Muir Historical Site](#), the City began to implement guidelines to improve the corridor's appearance. Design guidelines were initially adopted in 1966 and strengthened in the mid-1990s, requiring new construction to consist of higher quality architecture and landscaping. Over the years, public works improvements have included the undergrounding of utilities, adding a landscaped median and landscaping at the freeway off-ramp. But since the 1950s, the land uses themselves have remained primarily unchanged, with some general retail sites having been recently replaced with additional auto-oriented businesses.

Pacheco Boulevard Corridor: This area is the southern frontage along Pacheco Boulevard and includes the Martinez Reservoir. There is an eclectic land use pattern along the corridor and it is also one of several entrances to the City. This section of Pacheco Boulevard contains a variety of uses including light industrial, commercial, and residential uses. Further, the area was annexed into the City from Contra Costa County in 1992. As part of the annexation, the City kept the County's existing zoning designations for consistency and orderly jurisdictional transition.

Regional Commercial: The State Route 4 corridor serves the region with larger commercial enterprises and national chains. The regional shopping center located along the corridor was originally approved in 1985 and has had various anchor tenants. The center's visibility from the highway results in its ability to capture the regional commercial market.

Neighborhood Commercial Centers: There are three existing neighborhood shopping centers in Martinez. Each includes a grocery store as an anchor tenant. First, the Village Oaks Shopping Center (at Arnold Drive/Morello Avenue) was constructed in the early 1980s and consists of approximately 126,500 sq. ft. of space. The Village Oaks Shopping Center is unique from the other shopping centers in Martinez because it was developed with a pedestrian walkway directly connecting the shopping center to the Village Oaks neighborhood located behind the Center. Second, the Muir Station Shopping Center (at Center Avenue/Muir Station Road) was built in 1988 and includes approximately 118,000 sq. ft. of commercial space. It is located close to State Route 4 and the intersection of Center Avenue and Muir Station Road. The Muir Station Shopping Center is in a mixed-use area that contains multi-family housing, commercial activities, offices and medical facilities. The shopping center is linked to the government offices by a pedestrian crosswalk on Center Avenue and is serviced by the County Connection buses. Lastly, the construction of the main part of the Virginia Hills Shopping Center (at Alhambra Avenue/Virginia Hills Drive) dates to the mid-1960s and late 1970s. The Center contains approximately 66,000 sq. ft. of space and provides essential services to the neighborhoods south of State Route 4.

2

LAND USE ELEMENT

Heavy Industrial Area: The heavy industry descriptor is typified by the petroleum industry. This includes the northeast quarter of the City near Interstate 680 which contains petroleum industry and equivalent uses. Other uses in this area include light industrial uses, landscape contractor yards, and manufacturing companies.



Muir Station Shopping Center

Government Facilities

Educational Facilities: The City is served by two school districts: the [Martinez Unified School District](#) for a majority of the City, and the [Mount Diablo Unified School District](#) for a portion of the City. Educational facilities were added over time as the city grew, and the city is now served by five elementary schools, one junior high school and one high school. These public schools are supplemented by one private school. Due to the limited additional forecasted population growth, new educational facilities are not anticipated. Property with educational facilities are designated in the General Plan Land Use Map as “Public and Quasi Public Institutions”. Information and policies concerning joint use of educational facilities for recreation is discussed in the Parks and Community Facilities Element 5.0.

Solid and Liquid Waste Disposal Facilities: Allied Waste, now doing business as [Republic Services](#) of Contra Costa County, is responsible for the collection and disposal of solid waste and

recyclable items. It operates both the Contra Costa Transfer Station and the Keller Canyon Landfill, which is projected to be capped in 2030. The company offers weekly curbside commercial and residential pick-up services as well as a drop-off service for a limited variety of household hazardous waste materials.

As a joint effort, [Central Contra Costa Sanitary District](#) and [Mt. View Sanitary District](#) operate the Household Hazardous Waste Collection Facility. All hazardous waste materials can be dropped off for free by residents or for a small fee by businesses.

Wastewater services are provided by Central Contra Costa Sanitary District (CCCSD) and Mt. View Sanitary District (MVSD). CCCSD treats about two-thirds of the wastewater generated within Martinez. MVSD treats the central eastern portion of the City.

In 1992, Contra Costa Sanitation District No. 6 (SD-6) was formed to provide sanitary sewer to the Stonehurst subdivision in the Alhambra Valley area. On March 31, 2015, the Contra Costa County Board of Supervisors adopted Resolution No 2015/108 designating the Martinez City Council as the Board of Directors of Contra Costa County Sanitation District No.6.

Systemwide, aging infrastructure is of far greater concern than increased demands due to population growth. Pipes are routinely damaged by vegetation root intrusion, grease build-up, and structural deterioration. In coming years, the single most significant project will be CCCSD's replacement of nearly 2,000 feet of pipeline along Alhambra Avenue that is, at peak usage time, reaching 130% capacity. Additionally, MVSD plans to replace several hundred miles of pipeline and retrofit infrastructure to better withstand seismic activity.

Policies regarding matching future growth with the capacity of solid and liquid waste facilities are set forth in the utilities section of the Circulation Element. Policies regarding water conservation and recycled water are discussed in the [2020 Urban Water Management Plan](#).

2.4 | LAND USE DENSITY AND INTENSITY

State law requires that land use designations be accompanied by standards that establish the density or intensity of development permitted within each general plan land use designation. For the purposes of this General Plan, development density and intensity shall be regulated and measured differently based on the type of development. The methods that shall be used for calculating density and intensity for residential, commercial, and mixed-use developments are described below.



Medium Density Housing west of Downtown Martinez

Residential Development

Residential developments shall be regulated by an allowed density range measured in “dwelling units per acre.” The maximum possible residential density pursuant to this General Plan is to be calculated on the acreage of the parcel(s) at the time of development application submittal, not including existing adjacent public streets or drainage channels. Areas for newly proposed streets and/or private drives (within the parcel of the subject application) shall be counted toward the maximum permitted allowable density. The maximum allowable number of dwelling units shall be calculated by multiplying the project area size (as defined above) by the maximum allowable density for the applicable land use designation and rounding to the nearest whole number.

Population Density: In addition to residential density, State law requires the General Plan to include a statement of population density for the various land use categories. Population density is determined by multiplying the average household size, as determined by the latest decennial U.S. Census, by the number of dwelling units in a land use category. For example, the average household size in Martinez was 2.60 persons in 2019 (U.S. Census Estimate). The population density in the Residential Low (RL) land use designation (1.1 – 6.0 units per acre) is therefore 2.9 to 15.6 persons per acre.

Commercial and Industrial Development

Commercial and industrial uses shall be regulated by a maximum floor area ratio (FAR) standard. FAR refers to the ratio of building floor space compared to the square footage of the site. FAR shall be calculated by dividing the floor area of all buildings on the site by the total square footage of the site. For example, a 12,500 square foot building on a 25,000 square foot site has a FAR of 0.5. The maximum FAR standard limits the overall size of development on a property. As an example, a maximum FAR of 0.75 would allow 75,000 square feet of building floor area on a 100,000 square foot lot. The 75,000 square feet could be provided in one building or divided between multiple buildings. When calculating FAR, the building square footage shall include finished interior spaces and exclude parking garages, structured parking levels, and exterior open space, such as courtyards, roof gardens, and balconies.

Mixed-Use Development

The density and intensity of mixed-use developments that include both commercial and residential uses are regulated by both the maximum residential density (dwelling units per acre) and the maximum FAR standard for the land use designation. As an example, a one-acre site containing 43,560 square feet with a maximum FAR of 1.0 and an allowed density range of 19 to 30 units per acre could be developed with 43,560 square feet of total building space. The 43,560 square feet could be divided into a combination of commercial space and residential space. Up to 30 units would be allowed within the 43,560 square feet.

2.5 | LAND USE DESIGNATIONS

The City of Martinez has identified numerous land use designations to describe typical land uses accommodated within the City. The designations in this section of the Land Use Element are used to define the type, intensity, general distribution and general location of land uses envisioned in this General Plan. While each designation identifies the intended range of land uses, the Zoning Ordinance identifies allowable, conditionally allowable, and prohibited uses, and establishes development standards. Table 2-1 below compares the listed density and intensity standards for each designation described in this section.

Table 2-1: Summary of General Plan Land Use Designations

Downtown	Density	FAR
Downtown Core (DC)	29.0 to 43.0	2.0 to 4.0
Downtown Government (DG)	29.0 to 43.0	3.0 to 4.0
Downtown Shoreline (DS)	17.0 to 35.0	2.0 to 4.0
Downtown Transition (DT)	19.0 to 30.0	Up to 1.5

2

LAND USE ELEMENT

General Residential	Density	FAR
Residential Very Low (RVL)	Up to 1.0	Up to 0.25
Residential Low	1.1 to 6.0	Up to 0.2
Residential Medium (RM)	6.1 to 12.0	Up to 0.25
Residential High (RH)	12.1 to 20.0	Up to 0.25
Residential Very High (RVH)	20.1 to 30.0	Up to 0.25
Central Residential Single-Family Designations	Density	FAR
Central Residential Low-A (CRL-A)	Up to 6.0	Up to 0.4
Central Residential Low-B (CRL-B)	Up to 9.0	Up to 0.4
Central Residential Mixed Single-Family and Multifamily	Density	FAR
Central Residential Low-C (CRL-C)	Up to 17.0	Up to 0.4
Central Residential Medium (CRM)	Up to 30.0	Up to 0.4
Central Residential High (CRH)	Up to 35.0	Up to 0.4
Alhambra Valley	Density	FAR
Alhambra Valley Estate Residential – Very Low (AV-ERVL)	Up to 1.0	Up to 0.2
Alhambra Valley Estate Residential – Low (AV-ERL)	1.1 to 2.0	Up to 0.2
Alhambra Valley Agricultural Lands (AV-AL)	5 acres/du	Up to 0.1
Alhambra Valley Open Space (AV-OS)	N/A	N/A
Commercial and Mixed-Use	Density	FAR
General Commercial (GC)	Up to 30.0	Up to 1.0
Neighborhood Commercial (CN)	Up to 9.0	Up to 0.5
Commercial Light Industrial (CLI)	N/A	Up to 0.8
Regional Commercial (CR)	N/A	Up to 1.0
Business Park and Office Professional (BPO)	N/A	Up to 1.0
Industrial and Manufacturing (IM)	N/A	Up to 0.4
Parks, Recreation, and Open Space Preservation	Density	FAR
Environmentally Sensitive Land (ESL)	See note	N/A
Neighborhood Park (NP)	See note	N/A
Open Space (OS)	See note	N/A
Open Space and Recreation, Permanent (OS&R)	See note	N/A
Open Space 30% Slopes (OS-S)	See note	N/A
Open Space Private (OS-P)	See note	N/A
Open Space Conservation Use Land (CUL)	See note	N/A
Parks and Recreation (P&R)	See note	N/A
Parks and Recreation, Public Permanent Open Space (PPOS)	See note	N/A
Other Designations	Density	FAR
Marina and Waterfront (MW)	N/A	Up to 1.0
Public and Quasi-Public Instructions Designation	N/A	Up to 1.0

Note: The Protected Open Space and Parks Overlay (POPO) applies to the Parks, Recreation, and Open Space Preservation designations. Development on POPO properties are subject to Policy LU-1.2 and Implementation Measures LU-I-1.2a through LU-I-1.2l. Density ranges noted for other designations are in dwelling units per acre (du/ac).

Protected Open Space and Parks Overlay (POPO) Designation

The Martinez Open Space and Park Protection Initiative (Measure I) was passed by voters on June 5, 2018. According to the language in Measure I, the purpose of the initiative was to increase protections for open space, park and outdoor recreation land in the City by requiring approval by Martinez voters for any General Plan amendment to change allowable uses or land use designations for such land. The Initiative was also intended to help ensure that those lands and their valued uses are not changed to uses associated with more intensive development without approval by Martinez voters. The full text of Measure I is included as Land Use Element [Appendix LU-A Full Text of Measure I: Martinez Open Space and Park Protection Initiative](#). On September 18, 2019, the City Council adopted Resolution 115-19 approving a General Plan amendment to clarify Measure I. A copy of Resolution 115-19 is included as Land Use Element [Appendix LU-B Resolution 115-19 Approving a General Plan Amendment to Clarify Measure I](#).

[Figure 2-4](#) shows the properties where the POPO designation applies. Land Use Element Policy LU-1.2 and Implementation Measures LU-I-1.2a through LU-I-1.2l apply to each property in the city with the POPO designation. The POPO designation applies to all open space, park, and outdoor recreation land in Martinez including the following General Plan land use designations:

- Alhambra Valley Open Space (AV-OS)
- Environmentally Sensitive Land (ESL)
- Neighborhood Park (NP)
- Open Space (OS)
- Open Space and Recreation, Permanent (OS&R)
- Open Space 30% Slopes (OS-S)
- Open Space, Parks and Recreation (OS/P&R)
- Open Space Private (OS-P)
- Open Space Conservation Use Land (CUL)
- Parks and Recreation (P&R)
- Parks and Recreation, Public Permanent Open Space (PPOS)

Downtown Land Use Designations

The traditionally defined Downtown area is generally a mixed-use area of commercial, government, and residential uses. This area has the greatest potential for added density and

intensity, especially near the Intermodal Transit Station. The following Downtown designations are designed to encourage and recognize the desired enhancement of the existing retail core; current and continuing presence of County and City government facilities; and presence of existing older service commercial/industrial uses (generally north of the retail core). The applicable Downtown General Plan land use designations generally allow existing uses to remain and function either as an allowable use or as a legal non-conforming use, but encourage the ultimate replacement of such uses with a variety of more intense uses which can better define a traditional mixed-use urban environment as outlined in the 2006 Downtown Specific Plan. Certain blocks in the Downtown that are vacant or underutilized are designated Downtown Residential Opportunity Areas with higher densities allowed on a discretionary basis. Higher densities on these blocks will support Downtown businesses and implement policies in the Housing and Environmental Justice and Disadvantaged Communities Elements. These blocks are near the multi-modal train and bus transportation center and will create transit oriented development that will implement the Circulation Element polices for reduction in vehicle miles travelled, thereby reducing green-house gasses consistent with the City's Climate Action Plan.

Downtown Core (DC)

This designation is intended for the mixed-use areas at the center of Downtown, with an emphasis on a pedestrian-scale mixture of residential, specialty commercial, tourist, restaurants, cultural, and civic uses. It promotes a mix of residential and commercial uses where ground floor commercial uses are enhanced with residential uses above creating a vibrant commercial core. In addition to rehabilitation and adaptive reuse of historic buildings, development in this area should emphasize new and infill construction that is compatible with the historic structures that give Downtown its unique identity. This area is part of the Downtown Specific Plan area.

Development Density:

From 29.0 to 43.0 dwelling units per acre

Floor Area Ratio:

Up to 2.0; ~~Up to 4.0 on the sites denoted as "Downtown Residential Opportunity Area" on the Land Use Map in Figure 2.4 of the Land Use Element.~~

Height:

Up to 40 feet, or ~~3~~three stories. Taller buildings may be approved by the Planning Commission or Zoning Administrator with a use permit an exception.

Downtown Government (DG)

This designation is intended for the two Downtown areas with government facilities. The eastern area consists of existing federal, state, and county facilities centered at Court and Pine Streets at Main Street, and is designated as “Civic” in the Downtown Specific Plan. The core of this designation is the county and state court campus, and the intent of this designation is to provide a center for the existing functions and future expansion of the Contra Costa County government, including administrative, judicial and correctional facilities and for federal, state and local civic facilities. The northern area consists of the Intermodal Transit Station (Amtrak station) at Marina Vista on the south side of the railroad tracks. This area is designated as “Downtown Core” and “North Downtown Shoreline” in the Downtown Specific Plan.

Density:

29 to 43 dwelling units per acre

Floor Area Ratio:

Up to 3.0; ~~Up to 4.0 on the sites denoted as “Downtown Residential Opportunity Area” on the Land Use Map in Figure 2.4 of the Land Use Element.~~

Height:

Up to 40 feet, or ~~3~~three stories. Taller buildings may be approved by the Planning Commission or Zoning Administrator with ~~a use permit~~ an exception.

Downtown Shoreline (DS)

This designation is intended to guide the transformation of a primarily industrial and service commercial area in the westerly portion of Downtown (bounded by Berrellesa, Foster Street and Carquinez Scenic Drive) to a predominantly medium density residential neighborhood, with limited neighborhood serving commercial uses. The prior General Plan land use designation was Residential Group 2 in the Central Martinez Specific Area Plan which was supplanted by the Downtown Martinez Specific Plan. The Downtown Shoreline designation establishes a new land use designation for the General Plan that is consistent with the Downtown Martinez Specific Plan land use designation for the area of Downtown Neighborhood. This new medium density residential designation will provide support for businesses in the Downtown Core area and a transitional use to the open space use west of Downtown.

Density:

From 17.0 to 35.0 dwelling units per acre

Floor Area Ratio:

Up to 2.0; Up to 4.0 on the sites denoted as “Downtown Residential Opportunity Area” on the Land Use Map in Figure 2.4 of the Land Use Element.

Height:

Up to 40 feet, or 3-three stories. Taller buildings may be approved by the Planning Commission or Zoning Administrator with ~~a use permit~~ an exception.

Downtown Transitional (DT)

This designation is intended to maintain the character of this traditionally mixed-use area immediately south of the areas designated “Downtown Core” and “Downtown Government”, and north of the residential neighborhoods beyond. This area will continue to contain small scale and locally serving service commercial uses, as well as office and residential uses. New development is envisioned to be primarily multi-family residential. This area spans two land use categories in the Downtown Martinez Specific Plan: “Downtown Core” and “Downtown Neighborhood”.

Development Density:

From 19.0 to 30.0 dwelling units per acre

Floor Area Ratio:

Up to 1.5

General Residential Designations

Residential Very Low (RVL)

This designation is typified by the rural residential neighborhoods that were developed under the County's jurisdiction, such as Muir Oaks and Franklin Canyon. Development within these areas is limited to single-family homes and related accessory uses that have low intensity characteristics.

Development Density:

Up to 1.0 dwelling unit per acre

Floor Area Ratio:

Up to 0.25

Residential Low (RL)

This designation is the single most predominant land use within the City's jurisdiction. This designation allows single family homes, semi-rural neighborhoods developed under the County's jurisdiction, and neighborhoods of custom and semi-custom homes, on subdivision lots typically ranging from 5,000 square feet to 20,000 square feet. Paired and attached single family housing units may be possible as part of a planned unit development with common open space areas. Very limited non-residential uses are supported within this designation, subject to the applicable zoning regulations.

Density:

From 1.1 to 6.0 dwelling units per acre

Floor Area Ratio:

Up to 0.2

Residential Medium (RM)

This designation allows for “small lot/cluster” single-family residential within planned unit developments and town homes and other multi-family housing. Very limited non-residential uses are supported within this designation, subject to the applicable zoning regulations.

Density:

From 6.1 to 12.0 dwelling units per acre

Floor Area Ratio:

Up to 0.50

Residential High (RH)

This designation allows for town homes and other multi-family housing, such as apartments and condominiums units. Very limited non-residential uses are supported within this designation, subject to the applicable zoning regulations.

Density:

From 12.1 to 20.0 dwelling units per acre

Floor Area Ratio:

Up to 0.75

Residential Very High (RVH)

This designation allows for multi-family housing, such as apartments and condominiums units, at a higher density. Very limited non-residential uses are supported within this designation, subject to the applicable zoning regulations.

Density:

From 20.1 to 30.0 dwelling units per acre

Floor Area Ratio:

Up to 1.0

Central Residential Single-Family Designations

The predominantly residential areas adjoining Downtown have an established pattern of variable densities and configurations (e.g., single-family, duplex, and fourplex buildings), with mostly older structures built prior to the imposition of zoning regulations. Locally serving commercial and office uses are located on the major streets (Alhambra Avenue and Pacheco Boulevard), as well as various religious and educational facilities which add to the traditional character of the area. The Central Residential land use designations are intended to guide the maintenance of this eclectic area's character, provide flexibility to upgrade nonconforming structures and encourage new single and multi-family construction, where such construction will be in keeping with the area's established character.

Martinez values the qualitative visual experience of the Central Residential area's diversity. Much of the valued historic character of the Central Residential area is due to the wide variety of residential densities and styles that are interspersed and integrated throughout the area. This visual diversity is relatively unique within the larger central Contra Costa County context, where housing types and densities are typically segregated by the uniform application of density limitations and structures are located with consistent minimum yards. While topography and the era of development has led to some distinct patterns of density separation in the Central Residential area, there are neighborhoods that are almost made up of exclusively single-family homes and are envisioned to remain predominately single-family residential. There are other areas within the Central Residential area intended for infill and multifamily housing opportunities.

Central Residential Low-A (CRL-A)

This designation is intended to continue the established character of this portion of the Central Residential area's pre-WWII hillside residential areas, where streets are generally steep and winding, and home placement was largely dictated by the steep topography. New development is limited to new single-family dwellings on the few remaining vacant lots.

Density:

Up to 6.0 dwelling units per acre

Floor Area Ratio:

Up to 0.4

Central Residential Low-B (CRL-B)

This designation is intended to maintain the established single-family character of this portion of the Central Residential area’s outlying neighborhoods, where most all homes were built prior to World War II (WWII) on 5,000-square-foot lots from the original 1800s survey for “The Town of Martinez,” or as part of subsequent pre-WWII subdivisions.

Density:

Up to 9.0 dwelling units per acre

Floor Area Ratio:

Up to 0.4

Central Residential Mixed Single-Family and Multifamily Designations

The mixed density neighborhoods of the three “Central Residential Mixed Single-Family and Multifamily” designations are mostly within the original 1800s survey of “The Town of Martinez” which created 20,000-square-foot blocks, each containing eight 5,000-square-foot lots. Traditionally, residential construction developed prior to the evolution of density regulation does not contain sites and buildings with a uniform number of units per acre. Instead, the number of units built on a parcel had more to do with the location of the parcel than just its size, i.e., 5,000-square-foot corner lots (with typically three times the street frontage) comfortably accommodated a greater number of units than an interior lot of the same size. Likewise, a double lot of 10,000 sq. ft. could accommodate more units than two 5,000 sq. ft. lots developed independently. Additionally, in traditional single-family areas, two, as opposed to one, homes were built on 5,000-square-foot corner lots. Multifamily bungalow courts containing several units were built on double 10,000-square-foot lots, while the surrounding 5,000-square-foot interior lots were used for single-family homes or duplexes.

The three “Central Residential Mixed Single Family and Multifamily” designations are intended to acknowledge that the assignment of maximum permitted density in the Central Residential area needs to be as much a factor of the project site’s location and configuration as the project site’s size. Thus, in the Central Residential areas closest to Downtown, the maximum possible density is larger for project sites where the additional street frontage or efficiency of lot merger can better accommodate such density and still maintain the neighborhood’s contextual character.

Central Residential Low-C (CRL-C)

This designation is the largest in area of the three “Central Residential Mixed Single-Family and Multifamily” designations. The designation most typifies the traditional pattern of development in the area, with single family homes on the 5,000-square-foot interior lots and either duplexes or individual “split lots” (2,500 sq. ft. each) at the 5,000-square-foot corner lots. This designation encourages the continuation of adding new contextually appropriate single-family and duplex in-fill housing.

Density:

Up to 17.0 dwelling units per acre

Floor Area Ratio:

Up to 0.4

Central Residential Medium (CRM)

This designation applies to the residential areas closer to Martinez City Hall and the Downtown. The areas with this designation are the most eclectic of the “Central Residential Mixed Single-Family and Multifamily” designations. Single-family homes, duplexes, and apartment buildings are interspersed throughout these areas. As with all three “Central Residential Mixed Single-Family and Multifamily” designations, it is at the corner and relatively larger lots where a higher density building can most effectively be integrated into what was historically a single-family context. Many of the existing houses and apartment buildings in the areas with this designation are in a poor state of repair; therefore, rehabilitation and/or new construction is very desirable. While the retention and addition of new single-family homes is permitted, this designation encourages the construction of new duplexes and multi-family buildings on suitable sites.

Density:

Up to 30.0 dwelling units per acre

Floor Area Ratio:

Up to 0.4

Central Residential High (CRH)

This designation includes the residential areas closest to the Downtown and is envisioned to have the highest housing density of the three “Central Residential Mixed Single-Family and Multi-family” land use designations.

Density:

Up to 35.0 dwelling units per acre

Floor Area Ratio:

Up to 0.4

Alhambra Valley Land Use Designations

The Alhambra Valley is an established semi-rural community of approximately 1,000 acres located in the south-westerly portion of Martinez, which is entirely located within the City of Martinez SOI, portions of which were annexed in 2012. As part of the annexation approval process, land use categories unique to the Alhambra Valley were adopted by the City.

The Alhambra Valley is characterized by its natural creeks and hillsides and the perception of the many scenic vistas and areas of significant topographic variation of the landscape seen throughout the Alhambra Valley. Views of ridgelines and hills form the backdrop for most of the Alhambra Valley. These views help reinforce the rural residential feeling of the Alhambra Valley and provide an important balance between the rural atmosphere and low-density residential areas within and just outside the valley.

The City acknowledges the rural residential character of the Alhambra Valley and actively supports the continuation of agricultural activities within the portion of the Alhambra Valley within the City’s jurisdiction. The City fully encourages the retention and maintenance of existing agricultural uses if they prove to be viable economic pursuits, while acknowledging potential land use conflicts with nearby or adjacent urban uses. Four land use designations unique to the Alhambra Valley were originally added to the 1973 General Plan in 2010 as part of the City’s process to complete an annexation within the Alhambra Valley area.

Alhambra Valley Estate Residential – Very Low Density (AV-ERVL)

The primary land use envisioned for this designation is detached single-family homes on lots typically one acre or larger, with the keeping of a limited number of livestock, consistent with a rural or semi-rural lifestyle.

Density:

Up to 1.0 dwelling unit per acre

Floor Area Ratio:

Up to 0.2

Alhambra Valley Estate Residential – Low Density (AV-ERL)

The primary land use envisioned in this designation is detached single-family homes on lots typically one-half acre or larger.

Density:

From 1.1 to 2.0 dwelling units per acre

Floor Area Ratio:

Up to 0.2

Alhambra Valley Agricultural Lands (AV-AL)

The only area within the city limits with an agricultural land use designation is the western hills area designated “Alhambra Valley Agricultural Lands (AV-AL)”. This land use designation includes privately owned rural lands, generally in hilly areas that are used for grazing livestock or dry grain farming. The primary purposes of the “Alhambra Valley Agricultural Lands” designation is to: a) preserve and protect lands capable of and generally used for the production of food, fiber, and plant materials; and b) provide opportunities for rural residential single family homes.

Density:

Maximum density equivalent to a minimum 5 acres per dwelling unit

Floor Area Ratio:

Up to 0.1

Alhambra Valley Open Space (AV-OS)

This designation includes publicly-owned open space lands and includes, without limitation, areas of significant ecological resources or geologic hazards that are unique to the Alhambra Valley community. The “Alhambra Valley Open Space” designation also includes privately-owned properties for which future development rights have been deeded to a public or private agency or which have been designated as open space. For example, significant open space areas within planned developments identified as being owned and maintained by a homeowners association fall under this designation. Also included within this designation are the steep, unbuildable portions of approved subdivisions which may be deeded to agencies such as the East Bay Regional Park District, but which have not been developed as park facilities.

Note:

The Protected Open Space and Parks Overlay (POPO) applies to the AV-OS land use designation; therefore, Land Use Element Policy LU-1.2 and Implementation Measures LU-I-1.2a through LU-I-1.2l shall apply to lands within city limits designated AV-OS.

Commercial and Mixed-Use Land Use Designations

Six commercial land use designations are established in this General Plan to recognize the predominantly non-residential areas outside of Downtown that contain the various scale and scope of commercial resources needed for retail, office, and industrial uses.

General Commercial (GC)

This land use designation is applied to areas appropriate for a broad range of retail, service, amusement, wholesale and office uses. Areas with this designation include the City’s two aging commercial strips: Alhambra Avenue (between F Street and State Route 4); and Pacheco Boulevard (between Palm Avenue and Interstate 680). Residential use is allowed on upper floors subject to the applicable zoning regulations.

Density:

Up to 30.0 dwelling units per acre

Floor Area Ratio:

Up to 1.0

Neighborhood Commercial (CN)

This designation is intended for retail and other services which meet the day-to-day needs of residents. Allowed uses include businesses typically found in convenience and neighborhood shopping centers. Residential uses are allowed on upper floors subject to the applicable zoning regulations.

Density:

Up to 9.0 dwelling units per acre

Floor Area Ratio:

Up to 0.5

Commercial Light Industrial (CLI)

This designation is intended to provide sites for commercial businesses that are not appropriate in other areas because of high volumes of vehicle traffic and potential impacts on other uses. This designation allows small-scale commercial and industrial uses that provide goods and services to employees, residents, and visitors. It includes automotive sales and services; building materials; warehouses; distribution and personal storage located on major arterial streets; and retail uses, services, and small offices.

Floor Area Ratio:

Up to 0.8

Regional Commercial (CR)

This designation, distinct from the “Neighborhood Commercial” designation, denotes areas with buildings and parking lots of larger scale, intended to serve businesses with a regional focus. The General Plan Land Use Map in [Figure 2-4](#) identifies the two clusters of regionally serving retail along the John Muir Parkway.

Floor Area Ratio:

Up to 1.0

Business Park and Office Professional (BPO)

This designation denotes areas of generally non-retail commercial activity, primarily containing office, research and development, and light manufacturing in a well-landscaped, “business park” setting without outdoor storage. Incidental retail serving a primary use may be permitted, subject to the applicable zoning regulations.

Floor Area Ratio:

Up to 1.0

Industrial and Manufacturing (IM)

This designation allows primary manufacturing, refining, and similar heavy industrial uses. This designation also supports activities involving refining, storing and transporting petroleum products. Ancillary office uses as well as other manufacturing and warehousing may be permitted, subject to the applicable zoning regulations. No retail uses are allowed.

Floor Area Ratio:

Up to 0.4

Parks, Recreation, and Open Space Preservation Land Use Designations

There are eleven different designations of areas designated for parks, recreation, and open space. The different designations provide for a variety of open space areas that either prohibit development or allow for very low-density development.

A unique category has been created to correspond to approximately 500 acres of hillside land within the Alhambra Hills Specific Plan, which are generally to be preserved as open space, but does allow for a very limited number of “remote homesites” pursuant to that Specific Plan. The general location of these remote homesites is shown on the Land Use Map in [Figure 2-4](#). This is the Alhambra Valley Open Space (AV/OS) designation discussed in the residential land use section above.

Environmentally Sensitive Land (ESL)

This designation applies to areas that are environmentally sensitive due to a variety of factors including steep terrain, soils instability, earthquake susceptibility, wildlife habitat and wildfire risk. These areas are suitable for open space, agriculture, parks and recreation, trails, and very low density residential.

Note:

The Protected Open Space and Parks Overlay (POPO) applies to the ESL land use designation; therefore, Land Use Element Policy LU-1.2 and Implementation Measures LU-I-1.2a through LU-I-1.2l shall apply to lands within city limits designated ESL.

Neighborhood Park (NP)

Neighborhood parks are areas in public or private ownership that are for open space and recreation purposes, including picnic areas, sports fields, and playgrounds. They may include ancillary uses supporting active recreation including parking lots, concession stands, small storage structures, and restrooms. They are not intended for residential or commercial development.

Note:

The Protected Open Space and Parks Overlay (POPO) applies to the NP land use designation; therefore, Land Use Element Policy LU-1.2 and Implementation Measures LU-I-1.2a through LU-I-1.2l shall apply to lands within city limits designated NP.”

Open Space (OS)

This designation is for public and private lands preserved as scenic or environmental resources, either by public or common interest ownership, or through dedication of scenic open space or other easements or through conditions of development approval or previous designation and zoning action. While alteration of such properties for active recreation is typically not envisioned, naturalistic and agricultural plantings, and trails, may be possible if consistent with the intent of preserving the intended scenic resource and as may be permitted by any easements.

Note:

The Protected Open Space and Parks Overlay (POPO) applies to the OS land use designation; therefore, Land Use Element Policy LU-1.2 and Implementation Measures LU-I-1.2a through LU-I-1.2l shall apply to lands within city limits designated OS.

Open Space and Recreation, Permanent (OS&R)

This designation is for areas permanently dedicated to open space, trails, and active recreation uses such as sports fields. Hidden Lakes Park is an example of this combination of uses.

Note:

The Protected Open Space and Parks Overlay (POPO) applies to the OS&R land use designation; therefore, Land Use Element Policy LU-1.2 and Implementation Measures LU-I-1.2a through LU-I-1.2l shall apply to lands within city limits designated OS&R.

Open Space 30% Slopes (OS-S)

Hilly areas that have slopes exceeding 30% are designated open space as they are inappropriate for development at their steepest points due to lack of access, soils instability, earthquake susceptibility, wildlife habitat, and wildfire risk. Areas with this designation are within the Alhambra Hills Specific Plan and may be partially developable in conformance with the specific plan. The balance is dedicated for open space.

Note:

The Protected Open Space and Parks Overlay (POPO) applies to the OS-S land use designation; therefore, Land Use Element Policy LU-1.2 and Implementation Measures LU-I-1.2a through LU-I-1.2l shall apply to lands within city limits designated OS-S.

Open Space, Parks and Recreation (OS/P&R)

This designation is for areas that serve as open space, or recreation facilities, or areas adjacent to Alhambra Creek, within residential and commercial areas near or in the Downtown.

Note:

The Protected Open Space and Parks Overlay (POPO) applies to the OS/P&R land use designation; therefore, Land Use Element Policy LU-1.2 and Implementation Measures LU-I-1.2a through LU-I-1.2l shall apply to lands within city limits designated OS/P&R.”

Open Space Private (OS-P)

This category of open space applies primarily to the open space created pursuant to the Hidden Lakes Specific Plan. These are smaller open space areas created as part of residential subdivision and are in private ownership. This is passive open space for visual benefits.

Note:

The Protected Open Space and Parks Overlay (POPO) applies to the OS-P land use designation; therefore, Land Use Element Policy LU-1.2 and Implementation Measures LU-I-1.2a through LU-I-1.2l shall apply to lands within city limits designated OS-P.

Open Space Conservation Use Land (CUL)

Open space areas with this designation are located in the southwestern portion of the city and are appropriate for agricultural uses, parks/recreation, and very low density residential. Large parcels with limited residential development are intended to conserve natural resources and respect environmental constraints including terrain, soils and habitat.

Note:

The Protected Open Space and Parks Overlay (POPO) applies to the CUL land use designation; therefore, Land Use Element Policy LU-1.2 and Implementation Measures LU-I-1.2a through LU-I-1.2l shall apply to lands within city limits designated CUL."

Parks and Recreation (P&R)

This designation is applied to areas suitable for parks, playgrounds and other recreational uses and may include homeowners association community facilities and private recreation areas.

Notes:

The Protected Open Space and Parks Overlay (POPO) applies to the P&R land use designation; therefore, Land Use Element Policy LU-1.2 and Implementation Measures LU-I-1.2a through LU-I-1.2l shall apply to lands within city limits designated P&R.

Parks and Recreation, Public Permanent Open Space (PPOS)

This designation includes areas within the Alhambra Hills Specific Plan area as well as open space areas in the north-western portion of the city near Downtown. Most of the area near Downtown is composed of slopes that exceed a 30% grade and are either too steep for development or would require extensive study and careful design to ensure safe development. Ridge areas of less than 30% slope are either isolated from reasonable street access or are of major visual importance to the Downtown. Limited low density residential may be appropriate where access can be established that meets the policies in the Public Safety Element, and in areas that have geologic stability, in the Downtown adjacent areas, or are consistent with the Alhambra Hills Specific Plan for the Alhambra areas.

Note:

The Protected Open Space and Parks Overlay (POPO) applies to the PPOS land use designation; therefore, Land Use Element Policy LU-1.2 and Implementation Measures LU-I-1.2a through LU-I-1.2l shall apply to lands within city limits designated PPOS.

Waterfront Recreation and Marina Land Use Designation

Martinez’s waterfront is a natural asset which can play a significant role as a major recreation and conservation area for residents and the region. By continuing the restoration and revitalization efforts that begin in the 1960s with the development of the Marina and in the 1970s with the development of EBRPD’s Radke Martinez Regional Shoreline, the waterfront can realize its full potential and the City can re-establish a focal point of historical importance to the community and provide an impetus for a range of civic improvement projects. In September 2014 the Governor approved Senate Bill No. 1424 granting the City of Martinez all right, title and interest in the Marina and the associated landside parcels. The bill requires that the City of Martinez adopt a trust lands use plan which must also be approved by the State Lands Commission. The Marina and Waterfront Trust Land Use Plan shall describe any proposed development, preservation or other use of the property, and requires the State Lands Commission approval for any amendments. This is a separate plan from the General Plan and will provide more detailed objectives and implementation measures that are consistent with the General Plan.

Marina and Waterfront (MW)

The marina and waterfront area are comprised of the Marina and launch ramp, dry storage areas south of the Marina, and other uses historically established for supporting commercial and social organization facilities. The areas in this designation may also contain marina support services such as restaurants, and commercial boating and fishing activities.

Floor Area Ratio:

Up to 1.0



(Source: Kevin Murray)

Public and Quasi-Public Institutions Designation

Public and Quasi-Public Institutions (PI)

This designation refers to areas currently used for public benefit, including local and county government facilities, public and private schools, hospitals, and medical facilities.

Floor Area Ratio:

Up to 1.0



Contra Costa County District Attorney's Office

2.6 | LAND USE MAP

The City of Martinez General Plan Land Use Map is shown on [Figure 2-4](#). The Land Use Map identifies the location, distribution, and extent of all land uses within the Planning Area and corresponds to the land use designations described in the previous section.

The General Plan Land Use Map revises the last adopted map updated in September 2013, and revisions adopted by the City Council on April 18, 2018, per Resolution 011-17. Major revisions incorporated into the new map include the following:

- A new Downtown Core (DC) use is established which replaces the Commercial, Professional, Administrative and Retail designation for most of the Downtown blocks.
- The prior Government (G) designation is replaced by two new categories of Downtown Government (DG) for government facilities in the Downtown, and Public and Quasi Public Institutions (PI) for government and non-recreational public facilities outside of the Downtown.
- A new Downtown Shoreline (DS) designation replaces a portion of the medium residential area on the south side of the UPRR rail tracks at the western edge of the Downtown.
- A new Downtown Transition (DT) category is established which replaces Medium Density Residential (RM) for a portion of the Downtown, and Commercial, Professional, Administrative and Retail for a portion.
- A new designation of Residential Very Low (RVL) allowing no more the one unit per acre replaces the prior category of R 0-0.5.
- A new designation of Residential Low (RL) replaces R 0-6.
- A new designation of Residential Medium (RM) replaces R 6-12 and R 7-12.
- A new designation of Residential High (RH) replaces R 12 and Over, and R 13-18
- A new designation of Residential Very High (RVH) replaces R up to 29.
- The residential designations of groups one through four which modified underlying low to medium residential in the Downtown area and surrounding older residential areas,

have been replaced by a set of central residential categories from low to high densities: CR-A, CR-B, CR-C, CRM and CRH.

- A new General Commercial (CG) designation replaces Commercial, Professional & Administrative, Retail and Services.
- A new Neighborhood Commercial (CN) replaces Commercial, Professional & Administrative, Retail and Services for smaller sites on arterials in residential neighborhoods with lower density limitations than GC.
- A new Regional Commercial (CR) replaces Commercial, Professional & Administrative, Retail and Services for sites that are larger, and parkway or freeway oriented.
- A new designation of Business Park and Office Professional (BPO) replaces Office, Office Commercial, and Mixed Research and Development Commercial, and Research and Development.
- The new designation of Industrial Manufacturing (IM) replaces the categories of Light Industrial and Industrial.
- The Protected Open Space and Parks Overlay (POPO) designation is added to the open space categories.
- The former Pine Meadows Golf Course has two designations for different portions of the site: Open Space and Recreation (OS&R), and Residential Low (RL).
- A new designation of Marina and Waterfront (MW) is created for two areas in the waterfront: the Marina area previously designated open space; and the commercial/industrial area near the railroad tracks and south of Berrellesa Street previously designated Special Study Area. The Marina area consists of City Trust Land Use Parcels exempt from the restrictions of the Measure I POPO overlay district, and as a result the open space designation is not appropriate. The industrial area is changed from Special Study Area (SSA) to Marina Waterfront to create a long term land use designation consistent with surrounding waterfront uses.
- The City owned parcels containing Amtrak parking and Norcal indoor sports courts located near to and north of the railroad tracks and east of Berrellesa Street are changed from Special Study Area to Public Institutions (PI) to provide a long-term land use designation consistent with land use objectives for the parcels.

- The remaining portion of the Special Study Area designation in the waterfront, including Radke Regional Park, the baseball fields and the bocce courts, is changed to Open Space (OS), except for the historic Granger Wharf residential parcels on Berrellesa Street which are designated Residential Low (RL). These changes provide long term designations consistent with land use objectives for these areas.
- A new designation of Public and Quasi-Public Institutions (PI) is established to replace Governmental (outside of Downtown), High School, Hospital, Junior High School, Public Institution, and Public Institutions and Schools.
- A new residential higher density designation is created for six blocks in the Downtown area called Downtown Residential Opportunity Area that allows an FAR up to 4.0. The blocks are shown in Figure 2-4 Land Use map and include blocks in the Downtown Core, Downtown Government, and Downtown Shoreline land use categories.

2.7 | LAND USE ELEMENT GOALS, POLICIES, AND MEASURES

GOAL LU-G-1: Promote a balanced land use pattern, a mix of which enhances community character and serves the needs of existing and future residents. Encourage land use development to occur in an orderly fashion and in pace with the expansion of public facilities. Provide appropriate transitions between single family neighborhoods and higher intensity uses. Preserve open space and historic structures.

Policy LU-P-1.1: Maintain and implement the General Plan Land Use Map ([Figure 2-4](#)) that provides a description and location of land uses. Only permit development that is consistent with the General Plan. Require all projects to meet density, floor area ratio, and all other standards applicable to individual land use designations.

Measure LU-I-1.1a: Amend the Zoning Ordinance to apply zoning districts consistent with new or amended General Plan land use designations to ensure consistency with the General Plan. As part of the Housing Element Update, consider allowing multi-family residential uses within the Public and Quasi-Public Institutions (PI) land use designation (with the exception of areas north of the Railroad tracks) to create opportunities for teacher and affordable workforce housing.

Policy LU-P-1.2: Implement the provisions established by the Martinez Open Space and Park Protection Initiative (Measure I) for the properties in the Protected Open Space and Parks Overlay (POPO) designation. The following measures incorporate the text of Measure I as clarified by City Council Resolution 115-19. The two appendices to Measure I (Appendix LU-A and Appendix LU-B), and the POPO overlay designation shown in Figure 2-4 are an integral part of the General Plan. This Initiative may be amended or repealed only by Martinez voters.

LU-I-1.2a: For all property in the POPO designation, approval by Martinez voters shall be required to change the General Plan land use designations or allowable uses in effect on January 1, 2017, or to permit uses not consistent with the General Plan designation in effect on that date, except as otherwise provided for in Measure I. This implementation measure addresses the provisions in Subsection 5(a) (Approval by Martinez Voters) of Measure I.

Measure LU-I-1.2b:

A new land use overlay designation of “Protected Open Space and Parks” (POPO) is established within the General Plan’s Land Use Element. All lands within the Martinez City Limits designated for open space, park, and outdoor recreation use as of January 1, 2017, are hereby also designated as “Protected Open Space and Parks,” with the exception of the areas of the Martinez marina and harbor waterfront governed by Senate Bill 1424 (Statutes 2014, Chapter. 628) and further described in Measure LU-1-1.2i. In addition, any land later designated in the General Plan for open space, park, and outdoor recreation use shall also automatically be included in the Protected Open Space and Parks overlay designation.

“Protected Open Space and Parks” specifically includes, but is not limited to, those lands designated in the 1973 General Plan as Public Permanent Open Space, Parks and Recreation, Open Space/Conservation Use Land, Environmentally Sensitive Land and Open Space.

The lands covered on January 1, 2017, by this overlay designation are shown in the map marked as “Exhibit A” in Appendix LU-A Full Text of Measure I: Martinez Open Space and Park Protection Initiative.

The map was provided by the City and titled “EXISTING GENERAL PLAN LAND USE MAP Updated with September 2013 Map Amendments and December 2012 City Boundary Change”. It has been modified, for ease of identification, by enlarging written land use designations shown on the map for those areas included within the overlay designation. However, in all cases the land use designations, as shown by map coloration, shall govern inclusion in the overlay designation, except for the areas of the Martinez marina and harbor waterfront, which are explicitly excluded under Measure LU-1-1.2i.

This implementation measure addresses the provisions in Subsection 5 (b) (Protected Open Space and Parks Overlay Established) and Exhibit A (Areas included in the Protected Open Space and Parks Overlay Designation) of Measure I.

Measure LU-I-1.2c: Allowable uses on open space lands designated POPO shall be as follows: 1) nature conservation or study; 2) ecosystem, habitat, and watershed preservation; 3) hiking trails and outdoor open space recreation; 4) agricultural use; 5) forestry use; 6) grazing lands; and 7) other similar uses consistent with the purpose and intent of Measure I.

Allowable uses on park and recreation lands designed POPO shall be as follows: 1) park use; 2) outdoor recreation and sports uses – including but not limited to playing fields, outdoor swimming facilities, golf course, outdoor courts for sport use (e.g., tennis, basketball, bocce ball, pickleball, volleyball, etc.); 3) historic site preservation; 4) stables

and riding facilities; 5) picnic areas; 6) playgrounds; 7) dog parks; 8) recreation trails; and 9) other similar uses consistent with the intent of Measure I.

Except as provided in Measure I, residential or commercial uses shall not be allowed on lands designated POPO. This implementation measure addresses the provisions in Subsection 5(c) (Open Space, Park and Outdoor Recreation Uses) of Measure I.

Measure LU-I-1.2d: In addition to the uses allowable under LU-I-1.2c, other ancillary uses may be allowed on lands designated POPO, so long as the ancillary use is subsidiary and is customarily associated with a use allowed on the POPO designated land.

Examples of ancillary uses that may be allowed on POPO designated land include: 1) rest rooms for open space, park, or outdoor recreation uses; 2) changing rooms, showers, vending machines and/or a snack bar or a small concessionaire structure in association with permitted park and outdoor recreation uses; 3) smaller indoor recreational facilities associated with a primarily outdoor recreation facility; 4) facilities for the processing, storage, or retail sale of agricultural products where necessary for agricultural use of contiguous open space land; 5) buildings or parking areas for storage of equipment or vehicles where the vehicles or equipment are intended for use in and/or in association with open space, park, and outdoor recreation use; and 6) administrative facilities if necessary for the associated open space, park, and outdoor recreation uses. This implementation measure addresses the provisions in Subsection 5(d) (Ancillary Uses) of Measure I.

Measure LU-I-1.3e: Uses on any one or more categories of open space, park and recreation land may be changed to allow more development-oriented uses and land use designations than those in LU-I-1.2d and LU-I-1.2e, including commercial and residential uses, but any such change of uses shall be approved by Martinez voters. This implementation measure addresses the provisions in Subsection 5(e) (Development-Intensive Uses Allowed if Approved by Martinez Voters) of Measure I.”

Measure LU-I-1.2f: If uses are currently legal and already existing or are vested on POPO designated land, but are not permitted under Measure I on POPO land when Measure I took effect, they may continue unaffected by the Measure I restrictions; but such uses may not be expanded except as allowed under Measure I. This implementation measure addresses the provisions in Subsection 5(f) (Existing Legal Uses are Permitted) of Measure I.

Measure LU-I-1.2g: The City Council may further restrict, through zoning or other legal means, permitted uses on any category of POPO designated land. This implementation

measure addresses the provisions in Subsection 5(g) (City Council Can Increase Restrictions) of Measure I.

Measure LU-I-1.2h: Measure I did not change the amount of housing that is allowed on POPO designated land. The 1973 General Plan explicitly allowed a certain amount of residential development on privately owned open space. To maintain continuity and provide fairness to those private property owners, those allowances were re-adopted by Measure I. The requirements in the 1973 General Plan (as part of the Central Martinez Specific Area Plan, as incorporated into the General Plan) limiting environmental impacts of any such residential use in the Franklin Hills sub-area were also readopted by Measure I. Accordingly, the following provisions that were contained in the 1973 General Plan shall apply to lands designated POPO:

1) Appropriate private open space uses include agricultural, grazing, open space recreational uses such as camp facilities, or residential uses where such uses and related facilities such as roads and parking areas constitute less than two percent of the entire land area where the balance of the land is retained in a natural state or agricultural state.

2) On Open Space/Conservation Use or Environmentally Sensitive Lands within the Alhambra Creek Watershed, a density of 0 to 1 dwelling units/gross acre shall be allowed. The required site area per dwelling unit shall be 40,000 square feet per unit or greater with larger site area requirements typical of the zone, unless otherwise specified in a Specific Plan.

3) On Open Space/Conservation Use or Environmentally Sensitive Lands outside the Alhambra Creek Watershed, a density of 0 to 2 dwelling units/gross acre shall be allowed. The required site area per dwelling unit shall be 20,000 square feet per unit or greater.

4) The Franklin Hills sub-area, extending from the Carquinez Straits to California State Highway Route 4 between urban Martinez and the western edge of the area, are designated Environmentally Sensitive Lands or Public Permanent Open Space. In this area limited residential development on an individual site basis may be appropriate if certain environmental impacts can be mitigated. Each application for residential development shall be accompanied by the following items:

- Applications for rezoning and development plan approval shall be processed concurrently. Each application shall contain documentation by the appropriate professionals hired by the applicant that each and every significant environmental impact (including cumulative impacts) identified in the Franklin Hills Environmental Impact Report (EIR) has been thoroughly investigated for the site in

question and can be mitigated to an insignificant level. Site-specific and cumulative mitigation measures shall be designed in sufficient detail to allow preliminary cost estimates to be also included in the application.

- Prior to the acceptance of the application as complete, all portions of this application shall be reviewed for completeness and accuracy by City staff and appropriate City consultants. The cost of this review shall be paid by the applicant.
- No application shall be accepted for a proposal which exceeds a density of one unit per half-acre of land under 30% slope and under 350 ft. elevation, and one unit per ten acres over 350 feet elevation. A slope density map meeting Zoning Ordinance requirements shall be submitted with each application.
- No application shall be accepted for a site which does not have, or provide as part of the development proposal, access to a fully improved public street meeting all City requirements including those relating to length and number of lots served by a cul-de-sac.

This implementation measure addresses the provisions in Subsection 5(h) (Readoption of Historic 1973 General Plan Provisions) of Measure I and Exhibit C.

Measure LU-I-1.2i: Notwithstanding any provision of Measure I, because a high level of protection is already mandated by State law, and because the City must have flexibility to prepare and submit a trust land use plan to the State Lands Commission no later than January 1, 2020 (a draft copy of which was sent by the City in November 2019 to the State Lands Commission), Measure I does not apply to the areas of the Martinez marina and harbor waterfront governed by the Public Trust. These areas of the Martinez marina and harbor waterfront are governed by Senate Bill 1424 (Statutes 2014, Chapter. 628) and are shown as the shaded areas marked as, “2A, 2B, 2C, and 2D” in Measure I. The excluded areas of the Martinez Marina and the harbor waterfront are shown in the Map incorporated in Section 5.1 and Exhibit B in the copy of the initiative, Appendix LU-A Full Text of Measure I: Martinez Open Space and Park Protection Initiative. This implementation measure addresses the provisions in Subsection 5(i) (Marina and Harbor Area Public Trust Lands Excluded) of Measure I and Exhibit B.

Measure LU-I-1.2j: Development on POPO designated land for residential use shall be allowed to the extent it is specifically necessary to satisfy a residential development requirement under State law and on the condition that the requirements cannot otherwise be satisfied; provided, however, that such development shall only be allowed to the extent specifically required, and that the area involved in such development shall

be the minimum so required. This implementation measure addresses the provisions in Subsection 5(j) (Residential Use Required by State Housing Law) of Measure I.

Measure LU-I-1.2k: If a court of competent jurisdiction rules that the application of Measure I to a specific proposed use or project would deprive a person of Constitutional rights or privileges, or if the City Council makes the initial determination that application of Measure I to a specific proposed use or project would be contrary to Federal or State law, Measure I shall not apply to the extent required to allow that use or project. This explicit limitation on applicability is to make certain that the provisions do not infringe any person’s legal rights or privileges, violate the law in any respect, or subject the City to legal liability. This implementation measure addresses the provisions in Subsection 5(k) (Protection of Constitutional Rights) of Measure I.

Measure LU-I-1.2l: Nothing in Measure I, including but not limited to Subsections 5(a), or subsections 5(b), 5(c), 5(d) and 5(f), imposes any new limitation, restriction or voter approval requirement on the type or intensity of uses that were, as of January 1, 2017, permissible on lands now designated as POPO. Nor does Measure I remove any limitations or restrictions on the type or intensity of uses that were applicable to such lands as of that date. Subsections 5(c) and 5(d) describe uses that the City Council may, without requiring a vote of the people, permit to occur on POPO designated lands (including through amendment of the General Plan). Subsection 5(f) allows the continuance of legal, but non-conforming, existing or vested uses as of the date of adoption of the Initiative (June 6, 2018). If a type or intensity of use was, as of the date of adoption of Measure I, permissible on land now designated as POPO, such type and intensity of use remains permissible irrespective of whether such use is existing or vested. This implementation measure addresses the provision in Subsection 5(l) (Effect on Allowable Uses) of the Measure I.

Measure LU-I-1.2m: Appendix LU-A Full Text of Measure I: Martinez Open Space and Park Protection Initiative is a copy of the Measure I Initiative that was passed by the voters. This Appendix is an integral part of the General Plan.

Measure LU-1.2n: Appendix LU-B City Council Resolution 115-19 Approving a General Plan Amendment to Clarify Measure I is a copy of the resolution clarifying the language of Measure I. This Appendix is an integral part of the General Plan.

Measure LU-1.2o: Land Use Map Figure 2-4 shows all the lands protected by Measure I.

Policy LU-P-1.3: Encourage the use of energy-efficient features in new development.

Measure LU-I-1.3a: Require compliance with the California Green Building Standards Code – Part 11, Title 24, California Code of Regulations (known as CALGreen). In 2007, the California Building Standards Commission developed green building standards to meet

the goals of California’s landmark initiative AB 32, which established a comprehensive program of cost-effective reductions of greenhouse gases (GHG) to 1990 levels by 2020.

Policy LU-P-1.4: Consider development of design guidelines that include standards to protect and enhance historic structures, wherever feasible.

Measure LU-I-1.4a: Consider revision of the Zoning Ordinance to discourage demolition of older homes by encouraging conversion to multi-family occupancy or alternative uses such as bed and breakfasts, offices, and commercial uses where appropriate. Consider the application of this measure on a site-by-site basis to ensure that housing production goals in the Housing Element are not impeded.

Policy LU-P-1.5: Continue current design review process for all new development, renovation, and remodeling to preserve the existing character of individual neighborhoods.

Measure LU-I-1.5a: Consider the adoption of design guidelines and residential objective design standards as part of the Zoning Ordinance to assist with review of new development and encourage neighborhood compatibility.

GOAL LU-G-2: Preserve and strengthen the City’s overall image and create development that enhances the existing character and preserves the natural resources, residential neighborhoods, commercial areas, and small-town historic character of Downtown Martinez to the maximum extent feasible.

Policy LU-P-2.1: Support land use patterns and mixed-use infill development in the City’s Downtown Priority Development Area (PDA) that will attract and serve riders of public transit.

Measure LU-I-2.1a: Continue implementation of the Downtown Martinez Specific Plan to guide new mixed-use infill development.

Policy LU-P-2.2: Support the transformation of Downtown Martinez into a pedestrian-oriented commercial and mixed-use district with a mix of office, retail, government, high and mid-density residential, cultural, and entertainment land uses, designed to create an active lively streetscape and a sense of place.

2

LAND USE ELEMENT

Measure LU-I-2.2a: Pursue implementation of the transportation improvement policies in the Downtown Community Based Transportation Plan.

Measure LU-I-2.2b: Support development of housing opportunity sites set forth in the Housing Element in and near Downtown to meet housing goals, utilize existing transportation facilities, and strengthen Downtown commercial businesses.

Measure LU-I-2.2c: Ensure that new development in Downtown Martinez will continue to recognize the Downtown as an important historic resource.

Policy LU-P-2.3: Consider new infill and development projects within the Downtown that are consistent with the City's Land Use Map and compatible with surrounding uses.

Policy LU-P-2.4: Acknowledge the unique historic character of the Central Residential areas and facilitate maintenance and upgrading of existing structures that are currently seen as nonconforming by conventional zoning standards. Traditional design elements, such as covered front porches, should be encouraged.

Measure LU-I-2.4a: Consider modifying the zoning ordinance regulations to encourage investment in existing structures in the Central Residential areas, including possible modification of the standard minimum front yard requirements to encourage compatibility with historic character and permit more traditional design elements.

Policy LU-P-2.5: New multi-family residential development should be visually and functionally integrated and consistent in scale, mass, and character when located within an existing residential neighborhood.

Measure LU-I-2.5a: Provide high quality design review and inspection services throughout the Downtown Specific Plan area for all development activities.

GOAL LU-G-3: Protect environmentally and visually sensitive sites, hillsides, and natural resources wherever feasible.

Policy LU-P-3.1: Protect perennial and intermittent streams, creeks, and watercourses from pollution which can be caused by such activity as dumping sewage, landscape runoff, pesticides, seepage, siltation, or other discharges.

Measure LU-I-3.1a: Consider zoning ordinance amendments to require all new development along a creek or adjacent to a natural watercourse to prepare a creek/watercourse preservation and protection plan.

Measure LU-I-3.1b: Consider the formulation of regulations to include required setbacks from the streams, creeks, and watercourses to protect the resource, habitat, and any recreation value associated therewith.

Measure LU-I-3.1c: Require development plans to include urban water runoff plans that protect adjacent waterways.

Measure LU-I-3.1d: No construction, development, structure, street, alley, or landscaping shall be permitted within 100 feet of any marshlands or creeks within the Radke Martinez Regional Shoreline. This marshland setback area shall be undisturbed and used as a vegetative buffer to the marshland. The setbacks shall be to the nearest marsh area and if the nearest marsh area is more than 100 feet from the property line then no set back shall be necessary.

Policy LU-P-3.2: Consider flood safety when approving any new development in areas prone to flooding.

Measure LU-I-3.2a: Consider the adoption and maintenance of flood safety regulations to protect floodplain environments and restrict development in flood areas.
Policies

Policy LU-P-3.3: To the extent possible, retain channels, floodplains, and riparian corridors (including suitable setbacks from top of bank), such as Alhambra Creek and its tributaries, as significant open space areas. These areas should be maintained in their natural state to function as appropriate open space areas and to support a riparian habitat where feasible. Require, where possible, development within the Creek watersheds to preserve watershed integrity, including natural vegetation, soil and slope stability, water quality, scenic values, and potential archaeological resources.

Policy LU-P-3.4: Continue to uphold and maintain hillside development regulations that reduce the environmental risks associated with the grading of steep slopes by reducing the maximum permitted density of sloping sites, and generally prohibiting new development on very steep sites, such as those over 30%.

Measure LU-I-3.4a: Ensure that new development complies with the Hillside Development Regulations Ordinance of the Zoning Code for hillside properties with any areas of 10% or above slope, and generally prohibiting development on areas with slopes exceeding 30%.

Measure LU-I-3.4b: Consider amendments to the Zoning Ordinance establishing suitable setbacks and potential open space areas for channels, floodplains, and riparian corridors. Ordinance amendments should consider regulations to protect riparian habitat, preserve watershed integrity, natural vegetation, soil and slope stability, water quality, scenic values, and potential archaeological resources.

Policy LU-P-3.5: Slope stability shall be a primary consideration in the ability of land to be developed. Allow no development in landslide areas unless the area is stabilized through high-quality engineering design and construction as approved by the City.

Measure LU-I-3.5a: Require design review of plans to ensure that each proposed development has been designed in a sensitive manner to the existing natural terrain.

Measure LU-I-3.5b: Consider an ordinance that restricts development in environmentally sensitive areas such as constrained sites, hillsides, and natural resources, thereby protecting the scenic beauty and natural terrain. To the extent development is allowed, consider an ordinance amendment that establishes requirements and standards to ensure that new development complements the existing environment in terms of form, scale, and physical appearance. Such requirements and standards shall be aimed at ensuring that structures shall complement the existing topography to the greatest extent possible and reducing visual impacts of such development using landscaping, screening, and siting techniques.

Policy LU-P-3.6: Review all development proposals, planning projects, and infrastructure projects to ensure that open space and scenic resource impacts are reduced by maximizing design features that preserve a sense of open space and by minimizing off-site and night sky impacts of outdoor lighting. The review should include the construction and operation of the project.

Measure LU-I-3.6a: Amend the Zoning Ordinance to require that light or glare from interior or exterior lighting, industrial, mechanical, or chemical processes, or from reflective materials used or stored on a site, be shielded or modified to prevent emission of light or glare beyond the property line as feasible. The amendment shall address placement of exterior light sources to eliminate spill over illumination or glare in the night

sky and onto adjoining properties to the maximum extent feasible, and not interfere with the normal operation or enjoyment of adjoining properties.

Measure LU-I-3.6b: Consider amendments to the Zoning Ordinance to address minimum open space requirements in new development.

GOAL LU-G-4: Preserve historic character throughout the City of Martinez by preserving the distinctive character of residential and commercial districts.

Policy LU-P-4.1: Continue to encourage and support the design review process for residential and commercial projects to ensure compatibility with the existing historic character.

Measure LU-I-4.1a: Consider Zoning Ordinance and/or Specific Plan amendments to strengthen design guidelines within the Downtown Martinez Specific Plan area to preserve, enhance, and complement the existing character in Downtown Martinez and other historical commercial and residential areas.

Measure LU-I-4.1b: The Planning Commission should continue to review and provide design recommendations for development proposals in the Downtown.

Policy LU-P-4.2: Protect the character of single-family residential neighborhoods through the preservation and improvement of their character-defining features. Such features include but are not limited to tree-lined streets, building orientation, sidewalks, and architectural scale and quality.

Policy LU-P-4.3: Allow the conversion of older single-family homes for commercial uses within commercially zoned areas of the Downtown and along commercially zoned corridors where residential use is no longer desirable. This will encourage adaptive reuse as opposed to demolition, helping achieve some preservation of historic character.

GOAL LU-G-5: Maintain and encourage existing waterfront recreation opportunities and water-oriented visitor commercial and social activities that are compatible with the Marina’s primary recreational focus, and support Marina operations, such as grocery and bait shops, water-related activities, membership clubs, restaurants, and lodging.

Policy LU-P-5.1: Consider enhancements to the fishing pier, including but not limited to the addition of bathrooms and shade structures.

Policy LU-P-5.2: Should future resources limit the City’s ability to maintain the Marina in its current configuration, a reduction in number of berths and/or enlarging the launch ramp may be considered as alternatives to retaining the current water-orientated recreational focus, which may include the creation of naturalized and/or restored wetlands.

Policy LU-P-5.3: For the safety and convenience of users of waterfront lands and the continuity of a regional trails system, elevated crossing of the railroad for pedestrians, equestrians, bicyclists, and emergency vehicles should be considered.

Policy LU-P-5.4: Create policies and land use regulations in the Marina and Waterfront Trust Land Use Plan that support expansion of recreational opportunities and financial stability for Marina operations.

Measure LU-I-5.4a: Develop the Marina and Waterfront Trust Land Use Plan for the waterfront area as required by Senate Bill No. 1424, which granted the City of Martinez all right, title, and interest in the Marina and the associated landside parcels. Include in the Marina and Waterfront Trust Land Use Plan proposed development, preservation, or other use of the property. Consideration should be given to including in the plan uses proposed and appropriate for the marina and landside areas, including possible water-oriented recreation opportunities, and should analyze revenue sources to maintain fiscal stability of the marina. The plan will include information and policies regarding the effects of sea level rise on existing and proposed uses. The plan requires the State Lands Commission approval for the initial plan and any amendments.

Measure LU-I-5.4b: Establish a new land use category for the Marina and waterfront area on the Land Use Map called “Marina and Waterfront” with allowed uses consistent with State trust law described in Section 2.3 of this Land Use Element.

Measure LU-I-5.4c: Upon completion of the Marina and Waterfront Trust Land Use Plan, adopt appropriate zoning for implementation of the Marina and Waterfront General Plan Land Use designation.

GOAL LU-G-6: Create an environmentally just city with an equitable distribution of public facilities and services and a safe and healthy environment for all community members.

Policy LU-P-6.1: Consider environmental justice issues related to potential adverse health impacts associated with land use decisions, including exposure to hazardous materials, industrial activity, vehicle exhaust, and other sources of pollution, on residents regardless of age, culture, gender, race, socioeconomic status, or geographic location.

Measure LU-I-6.1a: Review all development proposals, planning projects, and infrastructure projects to ensure that potential adverse impacts to disadvantaged communities, such as exposure to pollutants, including toxic air contaminants, and unacceptable levels of noise and vibration are reduced to the extent feasible and that measures to improve quality of life, such as connections to bicycle and pedestrian paths, community services, schools, and recreation facilities, access to healthy foods, and improvement of air quality are included in the project. The review shall address both the construction and operation phases of the project.

Measure LU-I-6.1b: Conduct outreach to disadvantaged and low-income communities to encourage participation in the formulation and review of policies, new development, and City operations and activities, especially in neighborhood level planning.

Measure LU-I-6.1c: Ensure private development project approvals, and public facility location and design decisions, implement the policies of the Environmental Justice Element, including equitable access to food, transportation, education, affordable housing, and avoidance of proximity to waste and noise generators.

Policy LU-P-6.2: Consider environmental justice issues related to the equitable provision of desirable public amenities such as parks, recreational facilities, community gardens, and other uses that improve the quality of life.

Policy LU-P-6.3: Ensure that affected residents can participate in decisions that impact their health.

GOAL LU-G-7: Preserve and enhance both the natural and man-made environment in Alhambra Valley.

Policy LU-P-7.1: Structures shall be designed to blend into, rather than dominate, the natural setting, especially on ridgelines. The massing of new dwellings should be compatible with the natural setting.

Measure LU-I-7.1a: Strengthen design guidelines to require development proposals to include an environmentally superior design alternative as part of the environmental review process.

Policy LU-P-7.2: Only allow development which is sensitive to available natural resources and features. New development shall generally conform to natural contours and avoid excessive grading.

Policy LU-P-7.3: Hilltop ridges, rock outcroppings, mature stands of trees, and other natural features shall be preserved to the greatest extent possible in the design of new projects.

GOAL LU-G-8: Encourage the preservation of existing agricultural businesses and minimize and resolve conflicts between agricultural and urban uses within and adjacent to the Alhambra Valley semi-rural residential community.

Policy LU-P-8.1: Agriculture shall be protected to maintain the semi-rural atmosphere and to retain a balance of land uses in Alhambra Valley.
Implementation Measures

Measure LU-I-8.1a: Consider the adoption and maintenance of regulations for new development in and adjacent to agricultural areas that ensure its compatibility with agricultural uses. Consideration should be given to appropriate setbacks for structures located within or adjacent to cultivated agricultural lands.

Measure LU-I-8.1b: Consider information brochures or handouts that inform and educate prospective home buyers in or near agricultural areas regarding the incompatibility and hazards associated with nearby agricultural practices.

GOAL LU-G-9: Preserve areas of high scenic value and the rural-residential atmosphere in the area within Alhambra Valley.

Policy LU-P-9.1: To the extent feasible, scenic features should be protected or maintained, either through land dedication to a public agency or through the granting of scenic or conservation easements.

Measure LU-I-9.1a: Consider the adoption and maintenance of regulations that restrict the use of solid fencing and encourage the use of low, open rail type fencing.

Measure LU-I-9.1b: Consider the adoption and maintenance of regulations and design standards for new residential development to preserve the rural residential atmosphere in Alhambra Valley.

Measure LU-I-9.1c: Maintain standards through the review and approval process for development of hillsides to protect slopes and minimize visual impacts.

Policy LU-P-9.2: High quality engineering of slopes shall be required to avoid soil erosion, downstream flooding, slope failure, loss of vegetative cover, high maintenance costs, property damage, and damage to visual quality.

Policy LU-P-9.3: To conserve the scenic beauty of Alhambra Valley, developers shall generally be required to restore the natural contours and vegetation of the land after grading and other land disturbances. Public and private projects shall be designed to minimize damage to significant trees and other visual landmarks.

Policy LU-P-9.4: Extreme topographic modification, such as filling in canyons or removing hilltops shall be avoided. Clustering and planned development approaches to development shall be encouraged. All future development plans, whether large-scale or small-scale, shall be based on identifying safe and suitable sites for buildings, roads, and driveways.

Policy LU-P-9.5: The construction of new structures on the top of scenic ridges or within 50 feet of the ridgeline shall be discouraged.

Policy LU-P-9.6: Enhance and protect access to established scenic routes through the development of trails and other facilities.

2

LAND USE ELEMENT

Policy LU-P-9.7: New projects shall be designed to blend in with the rural setting of Alhambra Valley as much as possible. The use of fire-resistant materials shall be encouraged.

Policy LU-P-9.8: The use of scenic easements shall be encouraged to protect agricultural and park lands which abut land with urban land use designations such as residential and commercial uses.

Policy LU-P-9.9: Preserve the visually open character of Alhambra Valley and Reliez Valley Roads.

GOAL LU-G-10: Ensure that new public service facilities, which are needed to provide adequate levels of service within Alhambra Valley, are sensitive to the natural setting.

Policy LU-P-10.1: Dedication of public roads in unstable hillside areas shall generally not be accepted by the City. Consideration may be given to acceptance where stability can be assured and where such roads are fully developed and provide through access to other existing development.

Measure LU-I-10.1a: Improvement plans shall require new development to provide on-site storm water and drainage facilities which accommodate full build out and consider a range of design alternatives.

Policy LU-P-10.2: Control erosion in natural watercourses where creek capacity and bank stability necessitate, as per applicable creek preservation and improvement plan.



Downtown Martinez Nightlife (Source: Kevin Murray)

GOAL LU-G-11: Promote retention of existing businesses and attract new businesses.

Policy LU-P-11.1: Promote business assistance services, including seminars, linking local businesses to financial and technical resources, supporting local business promotion, and networking.

Measure LU-I-11.1a: Continue to work with the Chamber of Commerce and the Downtown property owners on Downtown events, marketing materials for promotion of the City and its attractions, and dissemination of information to businesses about access to State and Federal technical assistance and funding sources for business loans and workforce development.

Measure LU-I-11.1b: Support local businesses with permit assistance and access to high functioning infrastructure including fiber-optic cable.



Small Business at Martinez Farmer's Market (Source: Kevin Murray)

Policy LU-P-11.2: Promote City marketing and branding efforts and support similar coordinated private business efforts.

Policy LU-P-11.3: Target marketing to key industries and trade associations. Include the following industries and business types for targeted marketing:

- a) Advanced Materials & Manufacturing Biomedical
- b) Child Day Care
- c) Clean Tech
- d) Construction
- e) Support Electrical/Plumbing/Mechanical Energy/Chemical Food/Beverage
- f) Manufacturing Government/Public Health/Legal Health Care
- g) Hospitality
- h) Personal Care & Fitness Restaurants; and Visual & Performing Arts

Measure LU-I-11.3a: Add to a future Zoning Code update, ministerial approval of targeted industries in the appropriate zoning districts and review the development requirements

2

LAND USE ELEMENT

for the target industries to ensure there are no conflicts with the revised Zoning Ordinance.

Policy LU-P-11.4: Continue collaborating with regional partners to implement the Northern Waterfront Economic Development Initiative Strategic Plan. The Strategic Plan envisions building an environmentally sustainable regional economy and communities with equitable access to quality job opportunities and economic participation for all residents. The Strategic Plan identifies five goals addressing: 1) Business Environment & Competitiveness, 2) Talent Development, 3) Business Vitality/Cluster Development, 4) Entrepreneurship & Innovation, and 5) Target Industry Attraction.



(Source: Kevin Murray)

GOAL LU-G-12: Promote activities and development for a vibrant Downtown area.

Policy LU-P-12.1: Build Downtown’s image and identity as a center for dining, craft beverages, arts, crafts, and culture in a historic, authentic architectural district.

2

LAND USE ELEMENT

Policy LU-P-12.2: Focus infill development on the east and west edges of the Downtown including the Downtown Core, Downtown Government and Downtown Shoreline areas, utilizing the County offices and the Amtrak Station as anchors that support fine-grained rehabilitation and small retail and restaurant business attraction, on the central shopping streets in between.

Policy LU-P-12.3: Attract an upscale hotel to the Downtown or waterfront area.

Policy LU-P-12.4: Establish the Downtown area as a premier location for remote work.

Policy LU-P-12.5: Identify appropriate parcels and support mixed use residential development with ground floor retail where feasible, to build customers for the small retail and restaurants on the central shopping streets.

Policy LU-P-12.6: Develop a plan for pedestrian connections in the Downtown such as plazas and paseos.



Martinez Nightlife (Source: Kevin Murray)

GOAL LU-G-13: Support transformation and revitalization of key commercial corridors and industrial areas.

Policy LU-P-13.1: Consider preparing a specific plan for the Alhambra Avenue corridor (State Route 4 to F Street), including commercial and residential land use and economic analysis, business attraction, and streetscape improvements to evolve the area into a vibrant mixed-use district.

Policy LU-P-13.2: Support modernization and repositioning of the Shell/Mococo lands as a regional center for renewable energy and technology.

Policy LU-P-13.3: Support retail attraction and repositioning of key shopping centers, including physical improvements and new tenants.

Policy LU-P-13.4: Promote Biomedical, CleanTech, Advanced Materials and other emerging industries along the Pacheco Commercial/Industrial Corridor.

CHAPTER 22.58 LOT CONSOLIDATION INCENTIVES

22.58.010 – Purpose.

The purpose of this Chapter is to provide incentives for the consolidation of lots to facilitate and encourage denser, higher-quality development.

22.58.020 – Eligibility.

The lot consolidation incentives contained in this Chapter are available to development projects in all zoning districts within the City, except for single-family residential developments and developments in the Protected Open Space and Parks Overlay, Open Space zoning district, or Recreational Facilities zoning district. To take advantage of a lot consolidation incentive, the proposed development must take place on a lot which has been consolidated under this program and an application for development on the resulting parcel must be submitted concurrently with the lot consolidation.

22.58.030 – Lot Consolidation Incentives.

The following incentives are provided to incentivize lot consolidation:

- A. Waiver of the Planning Division’s Lot Merger Fee.
- B. Expedited review of planning entitlement application, excluding environmental review and tribal consultation – 90 days for residential projects with fewer than 75 units or for nonresidential projects measuring less than 50,000 square feet and 180 days for residential projects with 75 units or greater or for nonresidential projects measuring 50,000 square feet or greater. The review period for planning entitlements begins when an application is deemed complete by the Planning Division.
- C. A reduction in required private outdoor space, up to a maximum of 25 percent beneath the minimum requirement.
- D. An allowance for up to 10 percent of all required off-street parking spaces to be converted to bicycle and motorcycle parking spaces, rather than vehicular off-street parking spaces.
- E. An allowance for up to 50 percent of all required off-street parking spaces to be compact parking spaces.

22.58.040 – Application.

Applications for lot consolidation incentives shall be completed, filed, and processed in accordance with this Chapter. Applications for lot consolidation incentives shall be processed concurrently with a discretionary planning application for development and cannot be applied for or granted in the absence of a proposed development. It is the responsibility of the applicant to provide documentation proving the proposed development takes place on a lot which has been consolidated. The review authority

required by the discretionary planning application shall review any application for lot consolidation incentives, and shall grant such incentives unless the review authority makes the findings outlined in Section 22.58.050.

22.58.050 – Findings.

Lot consolidation incentives as outlined in Section 22.58.030 shall be granted unless, on the basis of substantial evidence, the review authority makes either of the following findings:

1. The incentives would have a specific adverse impact (as defined in California Government Code Section 65623(a)(2)) upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, in the National Register of Historic Places, or in a local historic register and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
2. The incentives would be contrary to state or federal law.

22.58.060 – Appeals.

Within 10 days following the date of a decision of the review authority, the decision may be appealed to the Zoning Administrator, Planning Commission, or City Council, as applicable, by the applicant or any other interested party. An appeal shall be made on a form prescribed by the Planning Division, along with the applicable fee, and shall be filed with the City Clerk. The appeal shall state specifically wherein the project approval or denial is not supported by the evidence in the record.

22.58.070 – Duration.

Approved lot consolidation incentives shall form part of the planning application with which they are associated and last only as long as the entitlement associated with the planning application. Any approved incentives will terminate and become null and void upon the expiration of the entitlement unless a building permit is issued and construction is commenced on the site. Lot consolidation incentives may be renewed pursuant to the approved conditions of approval for the project and in alignment with any extensions granted to the associated entitlement.

22.58.080 – Revocation.

Lot consolidation incentives granted subject to a condition or conditions of approval shall be revoked if the condition or conditions are not satisfied. The revocation process will be initiated by the Planning Manager or designee upon identifying non-compliance with the stipulated conditions. A notice of intent to revoke will be issued to the applicant, who will have an opportunity to remedy the non-compliance within a specified period. If the conditions remain unmet, the Planning Manager or designee shall finalize the revocation, and the incentives shall be deemed null and void.

CHAPTER 22.59 DEVELOPMENT PHASING FACILITATION MEASURES

22.59.010 – Purpose.

The purpose of this Chapter is to provide facilitation measures for the phasing of large development projects that otherwise may not be feasible, without, at a minimum, an expansion of duration for phased entitlements.

22.59.020 – Eligibility.

The development phasing facilitation measures contained in this Chapter are available to development projects in all zoning districts within the City, except for single-family residential projects. To take advantage of a development phasing facilitation measure, a project must have two or more distinct phases. A phase is defined as a portion of a development project planned and designed to be implemented and completed independently of other portions, with distinct timelines and construction sequences. Each phase shall include a coherent set of improvements and amenities, such as separate buildings, that can stand alone functionally and aesthetically.

22.59.030 – Development Phasing Facilitation Measures.

The following measures are provided to facilitate development phasing:

- A. An initial two-year duration for all planning entitlements for any phased project, rather than one year, except for projects approved subject to the Subdivision Map Act, which shall receive an initial three-year duration for all planning entitlements.
- B. The proportioning of impact fees by project phase, rather than paying all impact fees at the onset of the project.

22.59.040 – General Requirements.

- A. The proportioning of impact fees by phase shall be determined by the City Engineer or designee.
- B. All required on-site and off-site improvements shall be completed with the first phase of any development taking advantage of development phasing facilitation measures, except as waived by the Community and Economic Development Director and the City Engineer, or designee(s) or specified in the conditions of approval adopted by the review authority.
- C. The maximum amount of time that can elapse between an approved final inspection of one phase of a project and building permit issuance for a subsequent phase of a project is one year. This time may be extended up to six months by the Community and Economic Development Director or designee upon the applicant demonstrating due diligence to obtain said permit.

D. Projects with two phases have a maximum of six years to complete all phases. Projects with three or four phases have a maximum of eight years to complete all phases. Projects with five or more phases have a maximum of 10 years to complete all phases. The maximum time begins with the issuance of a building permit for the first phase.

22.59.050 – Application.

Applications for development phasing facilitation measures shall be completed, filed, and processed in accordance with this Chapter. Applications for development phasing facilitation measures shall be processed concurrently with a discretionary planning application for development and cannot be applied for or granted in the absence of a proposed development. It is the responsibility of the applicant to provide documentation proving that the proposed development has distinct phases. The review authority required by the discretionary planning application shall review any application for development phasing facilitation measures, and shall grant such facilitation measures unless the review authority makes the findings outlined in Section 22.59.060.

22.59.060 – Findings.

Development phasing facilitation measures as outlined in Section 22.59.030 shall be granted unless, on the basis of substantial evidence, the review authority makes either of the following findings:

1. The facilitation measures would have a specific adverse impact (as defined in California Government Code Section 65623(a)(2)) upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, in the National Register of Historic Places, or in a local historic register and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
2. The facilitation measures would be contrary to state or federal law.

22.59.070 – Appeals.

Within 10 days following the date of a decision of the review authority, the decision may be appealed to the Zoning Administrator, Planning Commission, or City Council, as applicable, by the applicant or any other interested party. An appeal shall be made on a form prescribed by the Planning Division, along with the applicable fee, and shall be filed with the City Clerk. The appeal shall state specifically wherein the project approval or denial is not supported by the evidence in the record.

22.59.080 – Duration.

Approved development phasing facilitation measures shall form part of the planning application with which they are associated and last only as long as the entitlement associated with the planning application and as specified in Section 22.59.030.A and

22.59.040.D. Any approved facilitation measures will terminate and become null and void upon the expiration of the entitlement unless a building permit is issued and construction is commenced on the site. Development phasing facilitation measures may be renewed pursuant to the approved conditions of approval for the project and in alignment with any extensions granted to the associated entitlement.

22.59.090 – Revocation.

Development phasing facilitation measures granted subject to a condition or conditions of approval shall be revoked if the condition or conditions are not satisfied. The revocation process will be initiated by the Planning Manager or designee upon identifying non-compliance with the stipulated conditions. A notice of intent to revoke will be issued to the applicant, who will have an opportunity to remedy the non-compliance within a specified period. If the conditions remain unmet, the Planning Manager or designee shall finalize the revocation, and the incentives or facilitation measures shall be deemed null and void.

22.36.050 – Parking – Commercial Uses.

Parking shall be provided for commercial uses in accordance with the following table 22.36.050:

COMMERCIAL USES TABLE

~~Commercial Use Required Parking Space (per gross floor area).~~

- ~~A. — Retail stores, business offices, service establishments — 1 per 200 square feet.~~
- ~~B. — Commercial service establishments, repair shops, wholesale establishments, furniture, household appliances and automobile sales — 1 per 500 square feet.~~
- ~~C. — Restaurants, fountains, etc. — 1 per 100 square feet plus 1 per 3 employees.~~
- ~~D. — Establishments whose sales are conducted primarily outside the building — 1 per 3 employees plus such additional spaces as may be prescribed by the Board of Adjustments.~~

~~*Except for floor area used exclusively for storage or loading.~~

Table 22.36.050

<u>Use</u>	<u>Parking Required</u>
<u>Retail stores, offices, service establishments</u>	<u>One space per 200 square feet</u>
<u>Commercial service establishments, wholesale establishments, vehicle sales</u>	<u>One space per 500 square feet</u>

<u>and repair, appliance sales and repair, furniture sales</u>	
<u>Restaurants</u>	<u>One space per 100 square feet</u>
<u>Establishments whose sales are conducted primarily outside the building</u>	<u>One space per three employees, plus such additional spaces as may be prescribed by the Planning Commission or Zoning Administrator</u>

For the purposes of this section, gross floor area shall be used in all calculations, except any floor area used exclusively for storage or loading.

22.36.215 – Parking Not Required.

Parking is not required when a residential, commercial, or other development project is located within one half mile of public transit, except for event centers, hotels, motels, bed and breakfast inns, or other transient lodging. The distance shall be measured in a straight-line distance. For the purposes of this section, public transit is defined as a passenger train station or ferry terminal.

22.36.230 - Shared Parking Regulations.

A. **Shared Parking Agreements.** An entity with underutilized parking, as defined in California Government Code Section 65863.1(a)(4), may enter into a shared parking agreement to share their underutilized parking spaces with the public, the City, or other entities, provided the entities submit a shared parking agreement and information identifying the benefits of the proposed shared parking agreement.

B. **Shared Parking Agreement Application and Approval.** In cases where an entity is entering into a shared parking agreement and proposes to use the shared parking spaces to meet local agency vehicle parking requirements, the following shall apply:

1. The City shall approve a shared parking agreement if, upon submission of an application and payment of any relevant fees, it:

a. Includes a parking analysis using peer-reviewed methodologies developed by a professional planning association; and

b. Secures long-term provision of parking spaces or affords the opportunity for periodic review and approval by the City.

2. The City shall allow parking spaces identified in a shared parking agreement to count toward meeting any vehicle parking requirement for a new or existing development or use, under specified conditions.

3. The City may require that shared parking agreements be recorded against the parcels that are part of the agreement.

C. **Conditions of Approval.** The following Conditions of Approval shall apply to all shared parking agreements:

1. The City shall not require the curing of any preexisting deficit of the number of parking spaces as a condition of approval of the shared parking agreement.

2. The City shall not withhold approval of a shared parking agreement between entities solely on the basis that it will temporarily reduce or eliminate the availability of parking spaces for the original proposed uses.

Other conditions of approval may be imposed at the discretion of the Planning Manager or designee.

D. **Special Provisions.**

1. For a development project in which a designated historical resource on a federal, state, or local register of historic places is being converted or adapted, the City shall allow the project applicant to meet minimum parking requirements through the use of offsite shared parking, as specified in California Government Code Section 65863.1.

2. This section shall not reduce the percentage of parking spaces that are designated for electric vehicles or accessible to persons with disabilities.

E. **Consideration of Shared Parking Feasibility.** The City, private landowner, or lessor shall consider the feasibility of shared parking agreements to replace new parking construction or limit the number of new parking spaces that will be constructed when state or public funds are being used on a proposed new development, as specified in California Government Code Section 65863.1.

22.04.240 – Home Occupation.

A. "Home occupation" means the conduct of an art or profession, the offering of a service or the conduct of a business, or the handcraft manufacture of products, but not including any of the following:

1. Appliance repair, other than repair of small household appliances;
2. Motorized garden tool repair such as, but not limited to, lawnmowers;
3. ~~Massage parlor~~ business, as defined in Chapter 5.58 ~~of this Code~~;
4. Pest control;
5. Vehicle production and services such as, but not limited to, the following: cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease or rental, and towing, excluding the dispatching of vehicles such as limousines, taxicabs, and ambulances;
6. Welding;
7. Any use which requires a hazardous materials permit from the Fire Department;
8. Commercial cannabis activity, as provided in Chapter 22.41;
9. Any other use which does not comply with any of the conditions listed in subsection B of this Section.

B. All home occupations are subject to the following conditions:

1. The home occupation shall be conducted within a dwelling by an inhabitant thereof and shall be clearly incidental to the use of the structure as a dwelling;
2. There shall be no external alteration of the dwelling in which the home occupation is conducted;
3. No sign shall be displayed other than a nameplate in which the home occupation is conducted;
4. No one other than a resident of the dwelling shall be employed in the conduct of a home occupation, except that a doctor, dentist, osteopath, Microenterprise Home Kitchen Operation ("MEHKO"), Cottage Food Operation ("CFO"), or chiropractor may employ one assistant;
5. There shall be no ~~noisy or otherwise objectionable~~ machinery or equipment used in the conduct of the home occupation that exceeds the permitted levels as outlined in Chapter 8.34 (Noise Control);
6. There shall be no storage, keeping or display of equipment, supplies, or merchandise outside or in the vicinity of the dwelling. No goods, merchandise, or products shall be sold or offered for sale inside of, outside of, or in the vicinity of, the dwelling, except for products

prepared by an approved MEHKO or CFO. As used in this subsection, vicinity includes any private property located in the same street block as the dwelling;

7. The conduct of the home occupation shall not create excessive pedestrian, automobile, or truck traffic in the vicinity or on the property of any other residence. Excessive traffic is defined as more than four vehicles or pedestrians per hour arriving at or departing from the residence, or more than a cumulative total of twenty vehicles or pedestrians per day. Approved MEHKOs and CFOs are exempt from this requirement and instead are subject to the limitations outlined in Section 22.040.240(B)(8).
8. MEHKOs and CFOs are further subject to the following requirements:
 - a. MEHKO and CFO owners must have a Food Protection Manager Certification and a MEHKO or CFO permit, as appropriate, as issued by the Contra Costa County Environmental Health Program.
 - b. MEHKO gross annual sales cannot exceed \$100,000 in 2023 dollars, as adjusted annually according to the California Consumer Price Index. CFO annual sales cannot exceed \$75,000 for a Class A CFO or \$150,000 for a Class B CFO.
 - c. MEHKOs cannot sell more than 30 meals or meal components per day, and/or more than 90 meals or meal components per week. A meal is defined as the amount or quantity of food that is intended to be consumed by one customer in one sitting. A meal may include one or more of any of the following: (1) a main dish; (2) appetizers; (3) side dishes; (4) beverages; (5) baked goods; and (6) desserts. CFOs can only sell food items that are approved by the California Department of Public Health.
 - d. MEHKOs and CFOs shall not use a third party delivery service to deliver food, and must hand all food directly to any customers.



STAFF REPORT

City Council

Date: September 10, 2024
To: Planning Commission
From: Michael P. Cass, Planning Manager
Prepared By: Daniel Gordon, Associate Planner
Title: Lot Consolidation Incentives and Project Phasing Facilitation Measures Regulations

Recommendation

Conduct a public hearing and adopt Resolution 24-08, recommending that the City Council adopt an Ordinance approving a Zoning Text Amendment by: 1) adding Chapters 22.58 (Lot Consolidation Incentives) and 22.59 (Project Phasing Facilitation Measures); 2) amending Chapter 22.36 (Off-Street Parking and Loading Facilities) to comply with Assembly Bill (“AB”) 894 regarding shared parking, AB 2097 regarding minimum parking requirements within one-half mile of public transit, and restaurant parking requirements; and 3) amending the definition of “Home Occupation” in Chapter 22.04 (Definitions) of the Martinez Municipal Code.

Background

Lot Consolidation and Project Phasing

The 2023-2031 Housing Element includes Program 13, which commits the City to develop and implement strategies to encourage and facilitate lot consolidation and phasing of residential and mixed-use developments on large sites, to make sites more developable for housing by the end of 2024.

Lot consolidation is an important factor in developing housing, and in particular affordable housing. Government Code Section 65583.2(c)(2)(A) requires sites included in a jurisdiction’s sites inventory to be at least 0.5 acres in size to accommodate the lower-income Regional Housing Needs Allocation (“RHNA”) targets (unless the jurisdiction can demonstrate sites of equivalent size have been successfully developed during the prior planning period or provide other evidence of adequacy). Due to the economies of scale and to increase the likelihood of development, the California Department of Housing and Community Development (“HCD”) generally considers parcels less than 0.5 acres to not be suitable to accommodate the lower-income RHNA unless they can reasonably be consolidated to form sites over 0.5 acres in size and the base zoning allows for at least 30 dwelling units per acre (Government Code Section 65583.2, subd (c)(3)(B)(iv)).

Based on an analysis of the City’s sites inventory, the average parcel size of undeveloped or vacant land in Martinez is 0.49 acres, below the 0.5-acre minimum. Only 22 percent of these

sites measure 0.5 acres or greater. Development trends indicate that lot consolidation is an increasingly widespread and important tool for facilitating residential development.

As an example, Concord is the only city so far in Contra Costa County to have enacted a lot consolidation program. Its program provides the following incentives:

- Expedited processing: 90 days for projects with 150 residential units or fewer and 180 days for projects with more than 150 residential units;
- Priority placement on public meeting agendas;
- Assistance in marketing affordable units;
- A three percent increase of the base density, with a minimum of one additional unit; and
- Ability for between 35 and 50 percent of vehicle parking spaces to be compact spaces based on project size.

Project phasing, also known as development phasing or construction phasing, is a more straightforward undertaking. Project phasing consists of permitting a developer to break a large-scale development project into smaller, more manageable stages. This approach allows for the gradual completion of the project, reducing financial risk and allowing for adjustments based on market conditions and community feedback. Each phase typically undergoes its own building permit approval process, ensuring that infrastructure and public amenities keep pace with the development. Similarly, the planning entitlement may be granted for the entire project or for each phase individually. This phased approach can also help to minimize potential disruption to the existing community and infrastructure, as construction activities are confined to smaller areas over extended periods. Project phasing is typically facilitated, rather than incentivized, by a local jurisdiction.

Other Changes

Also addressed in this ordinance are recent changes in State law which have necessitated updates to the Martinez Municipal Code (“MMC”). This includes the requirement to allow Microenterprise Home Kitchen Operations (“MEHKOs”) and Cottage Food Operations as permissible Home Occupations if the county has opted into the law and has created a permit structure for them, and the requirement to permit shared parking agreements to allow underutilized parking spaces from one development be counted towards the required parking of another development. Commercial parking requirements have been turned into a more user-friendly table, and the parking requirement for restaurants has been revised to comply with industry standard. Finally, development projects within one half mile of a major public transit stop have been exempted from parking requirements, with exceptions for event centers, hotels, motels, and bed and breakfast inns, pursuant to State law.

Discussion

Lot Consolidation and Project Phasing

The City Council held a Special Study Session on this topic on June 26, 2024, and endorsed the following lot consolidation incentives and project phasing facilitation measures:

Lot consolidation incentives:

1. Waiver of the Planning Division's Lot Merger fee (\$675);
2. Expedited review of planning entitlement application – 90 days for residential projects with fewer than 75 units or for nonresidential projects measuring less than 50,000 square feet and 180 days for residential projects with 75 units or greater or for nonresidential projects measuring 50,000 square feet or greater;
3. Reduction in required private outdoor space, up to a maximum of 25 percent beneath the minimum requirement;
4. Allowance for up to 10 percent of all required off-street parking spaces to be converted to bicycle and motorcycle parking spaces, rather than vehicular off-street parking spaces; and
5. Allowance for up to 50 percent of all required off-street parking spaces to be compact parking spaces.

Project phasing facilitation measures:

1. An initial two-year duration for all planning entitlements for any phased project, rather than one year, except for projects approved subject to the Subdivision Map Act, which shall receive an initial three-year duration for all planning entitlements; and
2. The proportioning of impact fees by project phase, rather than paying all impact fees at the onset of the project.

Additionally, the City Council recommended the imposition of timelines for project completion. The timelines proposed are:

- Projects with two phases would have a maximum of six years to complete all phases;
- Projects with three or four phases would have a maximum of eight years to complete all phases; and
- Projects with five or more phases would have a maximum of 10 years to complete all phases.

The maximum timeline would begin when a building permit is issued for the first phase. The maximum amount of time that could elapse between an approved final inspection of one phase of a project and the issuance of a building permit for a subsequent phase is proposed to be one year.

MEHKOs and Cottage Food Operations

A MEHKO is a food facility that is operated by a resident in a private home. Cooks prepare, cook, and serve food to consumers on the same day either through delivery, take-out, or dine-in the

home. MEHKOs are limited to selling no more than 30 meals per day and 90 meals per week, and no more than \$100,000 in gross annual sales. MEHKOs are allowed to operate in jurisdictions where the County has opted into the law and has created a permitting structure. On July 1, 2024, Contra Costa County began processing health permits for MEHKOs. To comply with State law, the City needs to update several requirements relating to Home Occupations so that MEHKOs are a permissible Home Occupation. Changes are also proposed so that Cottage Food Operations are a permissible Home Occupation. Cottage food operations have been allowed pursuant State law which became effective on January 1, 2013. Cottage food operations allow a home cook to prepare and sell a specific list of nonpotentially hazardous foods directly or indirectly to the consumer, such as dried fruits, seasonings, candies, honey, nuts, and vinegars.

Shared Parking Regulations

Assembly Bill 894 required cities to allow entities with underutilized parking to share such parking with existing or future developments if those entities submit a shared parking agreement. Functionally, this means that a project under development could enter into a shared parking agreement with a neighboring entity that has surplus parking to fulfill the project's parking requirements, without constructing new parking onsite. The ordinance outlines a procedure for reviewing and approving a shared parking agreement.

Commercial Parking Requirements

The parking standard for restaurants is proposed to be reduced to one space per 100 square feet from the previous standard of one space per 100 square feet plus one space per three employees, which was overly restrictive and posed issues with verification and monitoring. This is the same parking standard as the cities of Benicia, Lafayette, and Concord. This change is recommended as the higher requirement than other jurisdictions has been an impediment for multiple restaurants opening in Martinez. The proposed change is also recommended to align with square footage only and not the number of employees to ensure the parking requirement remains consistent and can be readily enforced by the City.

The Planning Commission is now being asked to conduct a public hearing and forward a recommendation to the City Council to approve the Zoning Text Amendment as described above. Refer to Attachment B where the proposed amendments to the existing regulations are shown in strikethrough and double-underline format.

If the Planning Commission chooses to deny the proposed zoning text amendments, except for the commercial parking requirement amendments, then the City's Zoning Ordinance will remain out of compliance with State law. Regardless of whether these zoning amendments are adopted, State law will supersede the City's Zoning Ordinance.

Public Noticing and Outreach

In accordance with Government Code Sections 65090 and 65091, the City published a “Notice of Public Hearing” in the *Contra Costa News Register*, was posted at City Hall, and was mailed via first class or electronic mail to individuals who had previously filed written request for such notice a minimum of 10 days in advance of the public hearing.

Environmental Review

The proposed lot consolidation incentives and project phasing facilitation measures regulations are exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15305 and Section 15061(b)(3) of the CEQA Guidelines, which exempts adoption of an ordinance entailing minor alterations in land use limitations and under the common-sense exemption as there is no possibility that the ordinance in question will have a significant effect on the environment.

Fiscal Impact

The 2023 – 2025 Biennial Budget sufficiently covers the cost of preparing the proposed regulations.

Attachments

- Attachment A – Draft Planning Commission Resolution No. 24-08
- Exhibit A to Attachment A – Draft Ordinance
- Attachment B – Strikethrough and Underline Version of Proposed Code Amendments

RESOLUTION NO. 24-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARTINEZ RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING A ZONING TEXT AMENDMENT BY: (1) ADDING CHAPTERS 22.58 (LOT CONSOLIDATION INCENTIVES) AND 22.59 (DEVELOPMENT PHASING FACILITATION MEASURES); (2) AMENDING CHAPTER 22.36 (OFF-STREET PARKING AND LOADING FACILITIES) TO COMPLY WITH ASSEMBLY BILL (“AB”) 894 REGARDING SHARED PARKING, AB 2097 REGARDING MINIMUM PARKING REQUIREMENTS, AND RESTAURANT PARKING REQUIREMENTS; AND (3) AMENDING THE DEFINITION OF “HOME OCCUPATION” IN CHAPTER 22.04 (DEFINITIONS) OF THE MARTINEZ MUNICIPAL CODE

WHEREAS, the City of Martinez recognizes the importance of promoting efficient land use and sustainable development practices within its jurisdiction; and

WHEREAS, the implementation of lot consolidation incentives is important in encouraging the amalgamation of smaller parcels into larger, more viable development sites, which can lead to greater housing production and a higher quality of architectural design and site planning; and

WHEREAS, the City seeks to facilitate the development process through the introduction of development phasing facilitation measures, thereby allowing projects to be completed in multiple stages and improving the efficiency and feasibility of larger-scale developments; and

WHEREAS, the City Council held a special study session on lot consolidation incentives and development phasing facilitation measures on June 26, 2024, during which the Council endorsed adding such chapters to the Martinez Municipal Code (“MMC”) specifying which incentives and facilitation measures the City will offer; and

WHEREAS, the City’s 2023-2031 Housing Element commits the City to adopting lot consolidation incentive and development phasing programs by December 31, 2024; and

WHEREAS, the State of California has enacted new regulations, including Government Code Section 65863.1, which mandate that local agencies update their parking regulations to allow for shared parking agreements; and

WHEREAS, the State of California has amended its regulations relating to Microenterprise Home Kitchen Operations and cottage food operations; and

WHEREAS, it is necessary to amend the City’s existing parking and home occupation regulations to align with State law, specifically to support the practice of shared parking, Microenterprise Home Kitchen Operations, and cottage food operations; and

WHEREAS, it is desirable to amend the City’s existing commercial parking requirements to align

with current best practices to encourage business attraction, specifically restaurants; and

WHEREAS, the City proposed Zoning Text Amendments to add MMC Chapter 22.58 (Lot Consolidation Incentives) and MMC Chapter 22.59 (Development Phasing Facilitation Measures), and to amend MMC Chapter 22.36 (Off-Street Parking and Loading Facilities) and 22.04 (Definitions).

WHEREAS, the Planning Commission held a public hearing on the proposed Zoning Text Amendments on September 10, 2024, during which all interested persons were heard, and adopted Planning Commission Resolution No. 24-08 recommending City Council adoption of the proposed Zoning Text Amendments; and

WHEREAS, proper notice of said hearing was given in all respects as required by law; and

WHEREAS, the Planning Commission did hear and consider all said reports, recommendations, and testimony herein above set forth and used its independent judgement to evaluate the project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Martinez does hereby recommend that the City Council adopt the Ordinance attached hereto as Exhibit A and incorporated herein by reference.

* * * * *

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 Regular Meeting of said Commission held on the 10th day of September, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sean Trambley, Planning Commission Chair

ATTEST:

Michael P. Cass, Planning Manager

EXHIBIT A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ APPROVING A ZONING TEXT AMENDMENT TO AMEND THE MARTINEZ MUNICIPAL CODE BY: (1) ADDING CHAPTERS 22.58 (LOT CONSOLIDATION INCENTIVES) AND 22.59 (DEVELOPMENT PHASING FACILITATION MEASURES); (2) AMENDING CHAPTER 22.36 (OFF-STREET PARKING AND LOADING FACILITIES) TO COMPLY WITH ASSEMBLY BILL (“AB”) 894 REGARDING SHARED PARKING, AB 2097 REGARDING MINIMUM PARKING REQUIREMENTS, AND RESTAURANT PARKING REQUIREMENTS; AND (3) AMENDING THE DEFINITION OF “HOME OCCUPATION” IN CHAPTER 22.04 (DEFINITIONS) OF THE MARTINEZ MUNICIPAL CODE

WHEREAS, the City of Martinez recognizes the importance of promoting efficient land use and sustainable development practices within its jurisdiction; and

WHEREAS, the implementation of lot consolidation incentives is important in encouraging the amalgamation of smaller parcels into larger, more viable development sites, which can lead to greater housing production and a higher quality of architectural design and site planning; and

WHEREAS, the City seeks to facilitate the development process through the introduction of development phasing facilitation measures, thereby allowing projects to be completed in multiple stages and improving the efficiency and feasibility of larger-scale developments; and

WHEREAS, the City Council held a special study session on lot consolidation incentives and development phasing facilitation measures on June 26, 2024, during which the Council endorsed adding such chapters to the Martinez Municipal Code (“MMC”) specifying which incentives and facilitation measures the City will offer; and

WHEREAS, the City’s 2023-2031 Housing Element commits the City to adopting lot consolidation incentive and development phasing programs by December 31, 2024; and

WHEREAS, the State of California has enacted new regulations, including Government Code Section 65863.1, which mandate that local agencies update their parking regulations to allow for shared parking agreements; and

WHEREAS, the State of California has amended its regulations relating to Microenterprise Home Kitchen Operations and cottage food operations; and

WHEREAS, it is necessary to amend the City’s existing parking and home occupation regulations to align with State law, specifically to support the practice of shared parking, Microenterprise Home Kitchen Operations, and cottage food operations; and

WHEREAS, it is desirable to amend the City's existing commercial parking requirements to align with current best practices to encourage business attraction, specifically restaurants; and

WHEREAS, the City proposed Zoning Text Amendments to add MMC Chapter 22.58 (Lot Consolidation Incentives) and MMC Chapter 22.59 (Development Phasing Facilitation Measures), and to amend MMC Chapter 22.36 (Off-Street Parking and Loading Facilities) and 22.04 (Definitions).

WHEREAS, the Planning Commission held a public hearing on the proposed Zoning Text Amendments on September 10, 2024, during which all interested persons were heard, and adopted Planning Commission Resolution No. 24-08 recommending City Council adoption of the proposed Zoning Map and Zoning Text Amendments; and

WHEREAS, the City Council held a public hearing on the proposed Zoning Text Amendments on _____, at which time all interested parties had the opportunity to be heard; and

WHEREAS, proper notice of said hearing was given in all respects as required by law; and

WHEREAS, the City Council did hear and consider all said reports, recommendations, and testimony herein above set forth and used its independent judgement to evaluate the project.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MARTINEZ DOES ORDAIN AS FOLLOWS:

SECTION I: DETERMINATIONS

Pursuant to MMC Section 22.46.020, the City Council hereby finds the Zoning Text Amendments are consistent with the General Plan 2035 and all applicable Specific Plans in that they are necessary to comply with State law and are consistent with applicable land use regulations and development policies. For instance, Goal LU-G-11 from the General Plan commits the City to “promote retention of existing businesses and attract new businesses.” Additionally, Goal LU-G-12 “promote[s] activities and development for a vibrant Downtown area” and Goal LU-G-13 “supports transformation and revitalization of key commercial corridors and industrial areas.”

SECTION II: ENVIRONMENTAL REVIEW

The California Environmental Quality Act (“CEQA”), together with State Guidelines require that certain projects be reviewed for environmental impacts and that environmental documents be prepared. Pursuant to the CEQA, the City Council hereby finds the project categorically exempt from the requirements of CEQA pursuant to Section 15305 and Section 15061(b)(3) of the CEQA Guidelines, which exempts adoption of an ordinance entailing minor alterations in land use

limitations and under the common-sense exemption as there is no possibility that the ordinance in question will have a significant effect on the environment.

SECTION III: IMPLEMENTATION

Title 22 (Zoning) of the MMC is hereby amended to add Chapter 22.58 (Lot Consolidation Incentives) as follows:

CHAPTER 22.58 LOT CONSOLIDATION INCENTIVES

22.58.010 – Purpose.

The purpose of this Chapter is to provide incentives for the consolidation of lots to facilitate and encourage denser, higher-quality development.

22.58.020 – Eligibility.

The lot consolidation incentives contained in this Chapter are available to development projects in all zoning districts within the City, except for single-family residential developments and developments in the Protected Open Space and Parks Overlay, Open Space zoning district, or Recreational Facilities zoning district. To take advantage of a lot consolidation incentive, the proposed development must take place on a lot which has been consolidated under this program and an application for development on the resulting parcel must be submitted concurrently with the lot consolidation.

22.58.030 – Lot Consolidation Incentives.

The following incentives are provided to incentivize lot consolidation:

- A. Waiver of the Planning Division's Lot Merger Fee.
- B. Expedited review of planning entitlement application, excluding environmental review and tribal consultation – 90 days for residential projects with fewer than 75 units or for nonresidential projects measuring less than 50,000 square feet and 180 days for residential projects with 75 units or greater or for nonresidential projects measuring 50,000 square feet or greater. The review period for planning entitlements begins when an application is deemed complete by the Planning Division.
- C. A reduction in required private outdoor space, up to a maximum of 25 percent beneath the minimum requirement.
- D. An allowance for up to 10 percent of all required off-street parking spaces to be converted to bicycle and motorcycle parking spaces, rather than vehicular off-street parking spaces.
- E. An allowance for up to 50 percent of all required off-street parking spaces to be compact parking spaces.

22.58.040 – Application.

Applications for lot consolidation incentives shall be completed, filed, and processed in accordance with this Chapter. Applications for lot consolidation incentives shall be processed concurrently with a discretionary planning application for development and cannot be applied for or granted in the absence of a proposed development. It is the responsibility of the applicant to provide documentation proving the proposed development takes place on a lot which has been consolidated. The review authority required by the discretionary planning application shall review any application for lot consolidation incentives, and shall grant such incentives unless the review authority makes the findings outlined in Section 22.58.050.

22.58.050 – Findings.

Lot consolidation incentives as outlined in Section 22.58.030 shall be granted unless, on the basis of substantial evidence, the review authority makes either of the following findings:

1. The incentives would have a specific adverse impact (as defined in California Government Code Section 65623(a)(2)) upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, in the National Register of Historic Places, or in a local historic register and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
2. The incentives would be contrary to state or federal law.

22.58.060 – Appeals.

Within 10 days following the date of a decision of the review authority, the decision may be appealed to the Zoning Administrator, Planning Commission, or City Council, as applicable, by the applicant or any other interested party. An appeal shall be made on a form prescribed by the Planning Division, along with the applicable fee, and shall be filed with the City Clerk. The appeal shall state specifically wherein the project approval or denial is not supported by the evidence in the record.

22.58.070 – Duration.

Approved lot consolidation incentives shall form part of the planning application with which they are associated and last only as long as the entitlement associated with the planning application. Any approved incentives will terminate and become null and void upon the expiration of the entitlement unless a building permit is issued and construction is commenced on the site. Lot consolidation incentives may be renewed pursuant to the approved conditions of approval for the project and in alignment with any extensions granted to the associated entitlement.

22.58.080 – Revocation.

Lot consolidation incentives granted subject to a condition or conditions of approval shall be revoked if the condition or conditions are not satisfied. The revocation process will be initiated by the Planning Manager or designee upon identifying non-compliance with the stipulated

conditions. A notice of intent to revoke will be issued to the applicant, who will have an opportunity to remedy the non-compliance within a specified period. If the conditions remain unmet, the Planning Manager or designee shall finalize the revocation, and the incentives shall be deemed null and void.

SECTION IV: IMPLEMENTATION

Title 22 (Zoning) of the MMC is hereby amended to add Chapter 22.59 (Development Phasing Facilitation Measures) as follows:

CHAPTER 22.59 DEVELOPMENT PHASING FACILITATION MEASURES

22.59.010 – Purpose.

The purpose of this Chapter is to provide facilitation measures for the phasing of large development projects that otherwise may not be feasible, without, at a minimum, an expansion of duration for phased entitlements.

22.59.020 – Eligibility.

The development phasing facilitation measures contained in this Chapter are available to development projects in all zoning districts within the City, except for single-family residential projects. To take advantage of a development phasing facilitation measure, a project must have two or more distinct phases. A phase is defined as a portion of a development project planned and designed to be implemented and completed independently of other portions, with distinct timelines and construction sequences. Each phase shall include a coherent set of improvements and amenities, such as separate buildings, that can stand alone functionally and aesthetically.

22.59.030 – Development Phasing Facilitation Measures.

The following measures are provided to facilitate development phasing:

- A. An initial two-year duration for all planning entitlements for any phased project, rather than one year, except for projects approved subject to the Subdivision Map Act, which shall receive an initial three-year duration for all planning entitlements.
- B. The proportioning of impact fees by project phase, rather than paying all impact fees at the onset of the project.

22.59.040 – General Requirements.

- A. The proportioning of impact fees by phase shall be determined by the City Engineer or designee.
- B. All required on-site and off-site improvements shall be completed with the first phase of any development taking advantage of development phasing facilitation measures, except as waived by the Community and Economic Development Director and the City Engineer, or designee(s) or specified in the conditions of approval adopted by the review authority.

- C. The maximum amount of time that can elapse between an approved final inspection of one phase of a project and building permit issuance for a subsequent phase of a project is one year. This time may be extended up to six months by the Community and Economic Development Director or designee upon the applicant demonstrating due diligence to obtain said permit.
- D. Projects with two phases have a maximum of six years to complete all phases. Projects with three or four phases have a maximum of eight years to complete all phases. Projects with five or more phases have a maximum of 10 years to complete all phases. The maximum time begins with the issuance of a building permit for the first phase.

22.59.050 – Application.

Applications for development phasing facilitation measures shall be completed, filed, and processed in accordance with this Chapter. Applications for development phasing facilitation measures shall be processed concurrently with a discretionary planning application for development and cannot be applied for or granted in the absence of a proposed development. It is the responsibility of the applicant to provide documentation proving that the proposed development has distinct phases. The review authority required by the discretionary planning application shall review any application for development phasing facilitation measures, and shall grant such facilitation measures unless the review authority makes the findings outlined in Section 22.59.060.

22.59.060 – Findings.

Development phasing facilitation measures as outlined in Section 22.59.030 shall be granted unless, on the basis of substantial evidence, the review authority makes either of the following findings:

1. The facilitation measures would have a specific adverse impact (as defined in California Government Code Section 65623(a)(2)) upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, in the National Register of Historic Places, or in a local historic register and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
2. The facilitation measures would be contrary to state or federal law.

22.59.070 – Appeals.

Within 10 days following the date of a decision of the review authority, the decision may be appealed to the Zoning Administrator, Planning Commission, or City Council, as applicable, by the applicant or any other interested party. An appeal shall be made on a form prescribed by the Planning Division, along with the applicable fee, and shall be filed with the City Clerk. The appeal shall state specifically wherein the project approval or denial is not supported by the evidence in the record.

22.59.080 – Duration.

Approved development phasing facilitation measures shall form part of the planning application with which they are associated and last only as long as the entitlement associated with the planning application and as specified in Section 22.59.030.A and 22.59.040.D. Any approved facilitation measures will terminate and become null and void upon the expiration of the entitlement unless a building permit is issued and construction is commenced on the site. Development phasing facilitation measures may be renewed pursuant to the approved conditions of approval for the project and in alignment with any extensions granted to the associated entitlement.

22.59.090 – Revocation.

Development phasing facilitation measures granted subject to a condition or conditions of approval shall be revoked if the condition or conditions are not satisfied. The revocation process will be initiated by the Planning Manager or designee upon identifying non-compliance with the stipulated conditions. A notice of intent to revoke will be issued to the applicant, who will have an opportunity to remedy the non-compliance within a specified period. If the conditions remain unmet, the Planning Manager or designee shall finalize the revocation, and the incentives or facilitation measures shall be deemed null and void.

SECTION V: IMPLEMENTATION

Section 22.36.050 (Parking – Commercial Uses) of Chapter 22.36 (Off-Street Parking and Loading Facilities) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.36.050 – Parking – Commercial Uses.

Parking shall be provided for commercial uses in accordance with table 22.36.050:

Table 22.36.050

Use	Parking Required
Retail stores, offices, service establishments	One space per 200 square feet
Commercial service establishments, wholesale establishments, vehicle sales and repair, appliance sales and repair, furniture sales	One space per 500 square feet
Restaurants	One space per 100 square feet
Establishments whose sales are conducted primarily outside the building	One space per three employees, plus such additional spaces as may be prescribed by the Planning Commission or Zoning Administrator

For the purposes of this section, gross floor area shall be used in all calculations, except any floor area used exclusively for storage or loading.

SECTION VI: IMPLEMENTATION

Section 22.36.215 (Parking Not Required) of Chapter 22.36 (Off-Street Parking and Loading Facilities) of Title 22 (Zoning) of the MMC is hereby added as follows:

22.36.215 – Parking Not Required.

Parking is not required when a residential, commercial, or other development project is located within one half mile of public transit, except for event centers, hotels, motels, bed and breakfast inns, or other transient lodging. The distance shall be measured in a straight-line distance. For the purposes of this section, public transit is defined as a passenger train station or ferry terminal.

SECTION VII: IMPLEMENTATION

Chapter 22.36 (Off-Street Parking and Loading Facilities) of Title 22 (Zoning) of the MMC is hereby amended to add Section 22.36.230 (Shared Parking Regulations) as follows:

22.36.230 - Shared Parking Regulations.

- A. **Shared Parking Agreements.** An entity with underutilized parking, as defined in California Government Code Section 65863.1(a)(4), may enter into a shared parking agreement to share their underutilized parking spaces with the public, the City, or other entities, provided the entities submit a shared parking agreement and information identifying the benefits of the proposed shared parking agreement.
- B. **Shared Parking Agreement Application and Approval.** In cases where an entity is entering into a shared parking agreement and proposes to use the shared parking spaces to meet local agency vehicle parking requirements, the following shall apply:
 1. The City shall approve a shared parking agreement if, upon submission of an application and payment of any relevant fees, it:
 - a. Includes a parking analysis using peer-reviewed methodologies developed by a professional planning association; and
 - b. Secures long-term provision of parking spaces or affords the opportunity for periodic review and approval by the City.
 2. The City shall allow parking spaces identified in a shared parking agreement to count toward meeting any vehicle parking requirement for a new or existing development or use, under specified conditions.

3. The City may require that shared parking agreements be recorded against the parcels that are part of the agreement.

C. **Conditions of Approval.** The following Conditions of Approval shall apply to all shared parking agreements:

1. The City shall not require the curing of any preexisting deficit of the number of parking spaces as a condition of approval of the shared parking agreement.
2. The City shall not withhold approval of a shared parking agreement between entities solely on the basis that it will temporarily reduce or eliminate the availability of parking spaces for the original proposed uses.

Other conditions of approval may be imposed at the discretion of the Planning Manager or designee.

D. **Special Provisions.**

1. For a development project in which a designated historical resource on a federal, state, or local register of historic places is being converted or adapted, the City shall allow the project applicant to meet minimum parking requirements through the use of offsite shared parking, as specified in California Government Code Section 65863.1.
2. This section shall not reduce the percentage of parking spaces that are designated for electric vehicles or accessible to persons with disabilities.

E. **Consideration of Shared Parking Feasibility.** The City, private landowner, or lessor shall consider the feasibility of shared parking agreements to replace new parking construction or limit the number of new parking spaces that will be constructed when state or public funds are being used on a proposed new development, as specified in California Government Code Section 65863.1.

SECTION VIII: IMPLEMENTATION

Chapter 22.04 (Definitions) of Title 22 (Zoning) of the MMC is hereby amended to alter the definition of Home Occupation as follows:

22.04.240 – Home Occupation.

- A. "Home occupation" means the conduct of an art or profession, the offering of a service or the conduct of a business, or the handcraft manufacture of products, but not including any of the following:
 1. Appliance repair, other than repair of small household appliances;
 2. Motorized garden tool repair such as, but not limited to, lawnmowers;

3. Massage business, as defined in Chapter 5.58;
 4. Pest control;
 5. Vehicle production and services such as, but not limited to, the following: cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease or rental, and towing, excluding the dispatching of vehicles such as limousines, taxicabs, and ambulances;
 6. Welding;
 7. Any use which requires a hazardous materials permit from the Fire Department;
 8. Commercial cannabis activity, as provided in Chapter 22.41;
 9. Any other use which does not comply with any of the conditions listed in subsection B of this Section.
- B. All home occupations are subject to the following conditions:
1. The home occupation shall be conducted within a dwelling by an inhabitant thereof and shall be clearly incidental to the use of the structure as a dwelling;
 2. There shall be no external alteration of the dwelling in which the home occupation is conducted;
 3. No sign shall be displayed other than a nameplate in which the home occupation is conducted;
 4. No one other than a resident of the dwelling shall be employed in the conduct of a home occupation, except that a doctor, dentist, osteopath, Microenterprise Home Kitchen Operation (“MEHKO”), Cottage Food Operation (“CFO”), or chiropractor may employ one assistant;
 5. There shall be no machinery or equipment used in the conduct of the home occupation that exceeds the permitted levels as outlined in Chapter 8.34 (Noise Control);
 6. There shall be no storage, keeping or display of equipment, supplies, or merchandise outside or in the vicinity of the dwelling. No goods, merchandise, or products shall be sold or offered for sale inside of, outside of, or in the vicinity of, the dwelling, except for products prepared by an approved MEHKO or CFO. As used in this subsection, vicinity includes any private property located in the same street block as the dwelling;
 7. The conduct of the home occupation shall not create excessive pedestrian, automobile, or truck traffic in the vicinity or on the property of any other residence. Excessive traffic is defined as more than four vehicles or

pedestrians per hour arriving at or departing from the residence, or more than a cumulative total of twenty vehicles or pedestrians per day. Approved MEHKOs and CFOs are exempt from this requirement and instead are subject to the limitations outlined in Section 22.040.240(B)(8).

8. MEHKOs and CFOs are further subject to the following requirements:
 - a. MEHKO and CFO owners must have a Food Protection Manager Certification and a MEHKO or CFO permit, as appropriate, as issued by the Contra Costa County Environmental Health Program.
 - b. MEHKO gross annual sales cannot exceed \$100,000 in 2023 dollars, as adjusted annually according to the California Consumer Price Index. CFO annual sales cannot exceed \$75,000 for a Class A CFO or \$150,000 for a Class B CFO.
 - c. MEHKOs cannot sell more than 30 meals or meal components per day, and/or more than 90 meals or meal components per week. A meal is defined as the amount or quantity of food that is intended to be consumed by one customer in one sitting. A meal may include one or more of any of the following: (1) a main dish; (2) appetizers; (3) side dishes; (4) beverages; (5) baked goods; and (6) desserts. CFOs can only sell food items that are approved by the California Department of Public Health.
 - d. MEHKOs and CFOs shall not use a third-party delivery service to deliver food, and must hand all food directly to any customers.

SECTION IX. 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 X. EFFECTIVE DATE

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

SECTION XI. PUBLICATION

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

APPROVED: _____
Brienne Zorn, Mayor

ATTEST: _____
Kat Galileo, Assistant City Clerk

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was duly and regularly introduced at a/an _____ Meeting of the City Council of the City of Martinez, held on the _____ day of _____, 2024, and duly passed and adopted at a/an _____ Meeting of said Council held on the _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

Approved as to form:

Terri Highsmith, City Attorney

SECTION I: IMPLEMENTATION

Section 22.04.030 (Definitions A-Z) of Chapter 22.04 (Definitions) of Title 22 (Zoning) of the MMC is hereby amended as follows:

Community Benefit

“Community Benefits” are benefits provided to the Martinez community from an applicant in the form of affordable housing, contribution to a City-funded program, on-site benefit, and/or off-site benefit, as outlined in Chapter 22.81.

Development Incentive

“Development incentive” means the predetermined deviations from development standards for specified zoning districts.

Flexible Community Benefit

“Flexible Community Benefit” means tangible benefits provided to the City from an applicant which are not provided on the City’s predetermined list, outlined in Chapter 22.81, subject to approval by the City Council.

SECTION II: IMPLEMENTATION

Section 22.10.060 (Development Standards) of Chapter 22.10 (Agricultural Districts) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.10.060 — Development Standards.

- A. Site Area: The minimum site area shall comply with the requirements listed in Table 22.10.060(A).
1. ~~The minimum site area in the A-1 district shall be one half (0.5) acre.~~
 2. ~~The minimum site area in the A-2 district shall be five (5) acres.~~
 3. ~~The minimum site area in the A-5 district shall be five (5) acres.~~

Table 22.10.060(A)

<u>Zoning District</u>	<u>Minimum Site Area</u>
<u>A-1</u>	<u>One half acre</u>
<u>A-2</u>	<u>Five acres</u>
<u>A-5</u>	<u>Five acres</u>

B. **Density**

1. In the A-1 and A-2 districts, the maximum density shall be 0.2 dwelling units per ~~every whole~~ acre, rounded up to the nearest whole

number. ~~Parcels measuring less than one acre~~ Each legally-established parcel shall be permitted ~~up to a minimum of one (1)~~ up to a minimum of one (1) dwelling unit.

2. In the A-5 district, the maximum density shall be 0.15 dwelling units per ~~every whole~~ acre, rounded up to the nearest whole number. ~~Parcels measuring less than one acre~~ Each legally-established parcel shall be permitted ~~up to a minimum of one (1)~~ up to a minimum of one (1) dwelling unit.

C. **Front Yards**

4. The minimum front yard shall be 20 feet.

D. **Side Yards**

1. The minimum side yard for residential structures shall be 10 feet.
2. The minimum side yard for agricultural accessory structures, except for those listed in Chapter 22.58 (Small Animals), shall be 20 feet.

E. **Rear Yards**

4. The minimum rear yard shall be 20 feet.

F. **Height of Structures**

1. No structure shall exceed 30 feet of in height.
2. No agricultural accessory structure shall exceed 25 feet of in height.
3. No agricultural accessory structure within 100 feet of a public roadway shall exceed 20 feet of in height.

G. **Site Coverage**

1. The maximum gross site area to be covered by structures in the A-1 district shall be fifteen ~~(15)~~ percent of the total site area.
2. The maximum gross site area to be covered by structures in the A-2 and A-5 districts shall be five ~~(5)~~ percent of the total site area.
3. ~~The maximum site area to be covered by structures in the A-5 district shall be five (5) percent of the total site area.~~

H. Floor Area Ratio

The maximum floor area ratio ("FAR") in the A-1, A-2, and A-5 districts shall be 0.2.

I. Off-Street Parking and Loading Facilities

1. Off-street parking and loading facilities shall be provided in accordance with the requirements specified in Chapter 22.36 ~~of this Title.~~

I. ~~Exceptions~~

- ~~1. Exceptions May Be Granted. The Zoning Administrator may grant an exception to height, size, setback, building separation, parking, ingress and egress, privacy, and design standards consistent with the procedures set forth in Section 22.06.020 and subject to the following findings:
 - ~~i. The project will substantially comply with the Zoning Ordinance and the purpose and intent of the zoning district where the property is located.~~
 - ~~ii. The project will not pose a detrimental impact to the site, adjacent properties, or neighborhood.~~
 - ~~iii. The project will otherwise comply with applicable Zoning Ordinance standards and requirements.~~
 - ~~iv. Limitations of this Section. Consistent with California Government Code Section 65852.2, this Section shall not preclude or impede the development of any Statewide Exemption ADU and in compliance with all other local development standards.~~~~

SECTION III: IMPLEMENTATION

Chapter 22.12 (Residential Districts) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.12.080 – Permitted Uses.

The following uses shall be permitted:

- A. Single-family dwellings in which not more than two paying guests may be lodged and/or furnished meals for a period of 31 days or more and cannot be occupied as a short-term rental unit;
- B. In the R-1.5, R-2.5, and R-3.5 district, multi-family dwellings, as follows:

Table A22.12.080 – Maximum Building Size

District	Maximum Building Size
R-1.5	2 dwelling units per building
R-2.5	8 dwelling units per building
R-3.5	Size limits as appropriate shall be established by the Planning Commission or Zoning Administrator in design review

- C. Accessory structures located on the same site as a permitted use including private garages and carports, storehouses, garden structures, greenhouses,

- recreation rooms, and hobby shops; and, when the basic structure is a single-family dwelling, a guest house or accessory living quarters without a kitchen;
- D. Home occupations;
 - E. Raising of fruit and nut trees, vegetables and horticultural specialties;
 - F. ~~Except for the R-1.5, R-2.5, and R-3.5 districts, the~~ The raising of poultry, rabbits, chinchillas, hamsters, and other small animals in accordance with the regulations outlined in Section 22.58.030: ~~on a site not less than 20,000 square feet in area, provided that not more than 20 of any combination of such poultry or small animals shall be permitted on any one acre or smaller site, and provided that no structure housing poultry or small animals shall be closer than 25 feet to a dwelling unit on the site or 50 feet to the property line;~~
 - G. Except in the R-1.5, R-2.5, R-3.5, and all RR districts, private stables for the keeping of not more than three horses on a site of not less than 80,000 square feet in area, provided that one additional horse may be kept for each additional 40,000 square feet of the site, and provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling;
 - H. In the RR districts, private stables for the keeping of not more than two horses on a site of not less than 40,000 square feet in area, provided one additional horse may be kept for each additional 20,000 square feet of the site, and provided that any stable meets the conditions of subsection G above;
 - I. In the R-1.5 district only, lodging houses and apartment hotels;
 - J. State authorized, certified or licensed family care, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons;
 - K. State licensed Family day care homes;
 - L. Transitional housing. Transitional housing shall be considered a residential use of property and shall be subject only to those restrictions and development standards that apply to other residential uses and dwelling types of the same type and in the same zone ~~(e.g., permits single-family dwellings within a single-family zoning district and subject to the same maximum density, minimum lot size, and maximum lot coverage, etc. applicable to a single-family dwelling. Also permits multi-family dwellings within a multi-family zoning district and subject to the same maximum density, minimum lot size, and maximum lot coverage, etc. applicable to a multi-family dwelling. Does not~~ Nothing in this provision is intended to permit single-family zoning requirements to be applied to multi-family residential units and vice versa);
 - M. Supportive housing. Supportive housing shall be considered a residential use of property and shall be subject only to those restrictions and development standards that apply to other residential uses and dwellings of the same type and in the same zone ~~(e.g., permits single-family dwellings within a single-family zoning district and subject to the same maximum density, minimum lot size, and maximum lot coverage, etc. applicable to a single-family dwelling. Also permits~~

~~multi-family dwellings within a multi-family zoning district and subject to the same maximum density, minimum lot size and maximum lot coverage, etc. applicable to a multi-family dwelling. Does not~~ Nothing in this provision is intended to permit single-family zoning requirements to be applied to multi-family residential units and vice versa);

N. Licensed Residential care facilities.

22.12.110 – Minimum Site Area.

The minimum site area for R residential districts shall comply with the requirements listed in Table B22.12.110.

Table B22.12.110 – Minimum Site Area

District	Minimum Site Area
R-1.5*	10,000 square feet
R-2.5	3,500 square feet
R-3.5	4,000 square feet
R-6.0	6,000 square feet
R-7.0	7,000 square feet
R-7.5	7,500 square feet
R-10.0	10,000 square feet
R-15.0	15,000 square feet
R-20.0 and RR-20.0	20,000 square feet
R-40.0 and RR-40.0	40,000 square feet
R-65.0 and RR-65.0	65,000 square feet
R-80.0 and RR-80.0	80,000 square feet
R-100.0 and RR-100.0	100,000 square feet

Note: *R-3.5 and R-2.5 existing sites with less than the required minimum site area shall be considered in accordance with the provisions of Section 22.12.120.

22.12.120 – Site Area Per Dwelling Unit.

Each site shall have an area of not less than that specified in Table G22.12.120.

Table G22.12.120 – Site Area Per Dwelling Unit

District	Size of Site	Minimum Site Area Per Dwelling Unit (10 percent and flatter land)
R-1.5	Up to 9,999 sq. ft.	2,500 square feet
	10,000-19,999 sq. ft.	1,500 square feet
	20,000 sq. ft.	1,500 square feet except that special consideration may be given by the Zoning Administrator or Planning Commission to

		reduce the minimum site area per dwelling unit to not less than 1,250 square feet for good site planning, architectural design, and landscaping
R-2.5	All	2,500 square feet
R-3.5	All	3,500 square feet
Remaining R and RR districts	All	Minimum site area specified in Section 22.12.110 Table <u>22.12.110</u> , for permitted used.

Note: For all zoning districts above, the minimum site area per dwelling unit ~~is~~ specified is only for land lying at slopes of ten percent (10%) or flatter (as defined in Sections 22.12.130 through 22.12.180). For land ~~steeper~~ steeper than ten percent (10%) in slope, adjustments must be made to the minimum site area per dwelling unit in accordance with the provisions of Sections 22.12.130 through 22.12.180, slope density regulations.

22.12.190 – Frontage, Width and Depth of Site.

- A. Each site shall have not less than 40 feet of frontage on a public street, except that a corridor access lot having not less than 15,000 square feet of area, exclusive of corridor area, may not have less than 20 feet of frontage.
- B. Each site shall have a depth of not less than 100 feet and shall be of width not less than prescribed in Table ~~E~~22.12.190.

Table ~~E~~22.12.190 – Minimum Dimensions

District	Minimum Width	Minimum Width Corner Lot
R-1.5	60 feet	70 feet
R-2.5	35 feet	60 feet
R-3.5	40 feet	50 feet
R-6.0	60 feet	70 feet
R-7.0	65 feet	75 feet
R-7.5	70 feet	80 feet
R-10.0	80 feet	90 feet
R-15.0	100 feet	110 feet
R-20.0 and RR-20.0	100 feet	110 feet
R-40.0 and RR-40.0	150 feet	150 feet
R-65.0 and RR-65.0	150 feet	150 feet
R-80.0 and RR-80.0	150 feet	150 feet
R-100.0 and RR-100.0	150 feet	150 feet

22.12.210 – Maximum Site Area Coverage.

The minimum site area for R residential districts shall comply with the requirements listed in Table F22.12.210.

Table F22.12.210 – Maximum Site Area Coverage

District	Maximum Coverage	Maximum Coverage (with development incentive pursuant to Chapter 22.81)
R-1.5	40 percent	50 percent
R-2.5	35 percent	45 percent
R-3.5	40 percent	50 percent
R-6.0	40 percent	50 percent
R-7.0	35 percent	45 percent
R-7.5	35 percent	45 percent
R-10.0	30 percent	40 percent
R-15.0	30 percent	40 percent
R-20.0 and RR-20.0	25 percent	35 percent
R-40.0 and RR-40.0	20 percent	30 percent
R-65.0 and RR-65.0	15 percent	20 percent
R-80.0 and RR-80.0	10 percent	15 percent
R-100.0 and RR-100.0	5 percent	10 percent

22.12.215 - Floor Area Ratio.

The maximum floor area ratio (“FAR”) shall comply with the requirements listed in Table 22.12.215.

Table 22.12.215 – Floor Area Ratio

<u>District</u>	<u>Maximum FAR</u>	<u>Maximum FAR (with development incentive pursuant to Chapter 22.81)</u>
<u>R-1.5</u>	<u>2.0</u>	<u>2.5</u>
<u>R-2.5</u>	<u>1.5</u>	<u>2.0</u>
<u>R-3.5</u>	<u>1.0</u>	<u>1.5</u>
<u>R-6.0</u>	<u>0.5</u>	<u>1.0</u>
<u>R-7.0</u>	<u>0.5</u>	<u>1.0</u>
<u>R-7.5</u>	<u>0.5</u>	<u>1.0</u>
<u>R-10.0</u>	<u>0.4</u>	<u>0.9</u>
<u>R-15.0</u>	<u>0.3</u>	<u>0.8</u>
<u>R-20.0 and RR-20.0</u>	<u>0.2</u>	<u>0.6</u>

<u>R-40.0 and RR-40.0</u>	<u>0.2</u>	<u>0.6</u>
<u>R-65.0 and RR-65.0</u>	<u>0.2</u>	<u>0.6</u>
<u>R-80.0 and RR-80.0</u>	<u>0.2</u>	<u>0.6</u>
<u>R-100.0 and RR-100.0</u>	<u>0.2</u>	<u>0.6</u>

22.12.220 – Front Yards.

- A. The minimum front yard shall comply with the requirements listed in Table G22.12.220 subject to the exceptions listed in subsection B.

Table G22.12.210 – Maximum Site Area Coverage

District	Minimum Front Yard	<u>Minimum Front Yard (with development incentive pursuant to Chapter 22.81)</u>
R-1.5	10 feet	<u>0 feet</u>
R-2.5	20 feet	<u>10 feet</u>
R-3.5	20 feet	<u>10 feet</u>
R-6.0	20 feet	<u>10 feet</u>
R-7.0	20 feet	<u>10 feet</u>
R-7.5	20 feet	<u>10 feet</u>
R-10.0	25 feet	<u>15 feet</u>
<u>R-15.0</u>	25 feet	<u>15 feet</u>
<u>R-20.0 and RR-20.0</u>	25 feet	<u>15 feet</u>
<u>R-40.0 and RR-40.0</u>	25 feet	<u>15 feet</u>
<u>R-65.0 and RR-65.0</u>	40 feet	<u>20 feet</u>
<u>R-80.0 and RR-80.0</u>	50 feet	<u>40 feet</u>
<u>R-100.0 and RR-100.0</u>	50 feet	<u>40 feet</u>

B. Exceptions:

1. ~~On a site situated between sites improved with buildings, the minimum front yard shall be the average depth of the front yards on the improved sites adjoining the side lines of the site.~~
2. ~~Where a site is not situated between sites improved with buildings and where sites comprising forty percent (40%) of the frontage on a block are improved with buildings, the minimum front yard shall be the average of the existing front yard depths in the block.~~

3. ~~In computing average front yard depths, a depth 10 feet greater than the minimum required front yard shall be used in lieu of any greater front yard depth.~~
14. On a site having an average natural slope of thirty percent (30%) or more measured from the established grade of the street at the edge of the existing or proposed pavement to the rear line of the required front yard, a garage or carport may be constructed not less than 15 feet from the edge of the pavement, provided that in no case shall a garage or carport have a front yard of less than 3 three feet.
5. ~~For cul-de-sac lots which front upon the turnaround, the minimum front yard shall be 15 feet, providing the driveway is placed in such manner that a standard automobile parked in the driveway will not encroach upon the sidewalk.~~
26. On corner lots in the R-6.0, R-7.0, and R-7.5 districts, the front yard may be reduced to 15 feet minimum if the structure fronts upon the longer street frontage, provided there is 20 feet between the front of the garage or carport and the front property line. On corner lots in the R-10.0, R-20.0, and RR-20.0, and R-40.0, and RR-40.0 districts, the front yard may be reduced to 20 feet if the structure fronts upon the longer street frontage.

22.12.230 – Side Yards.

A.—The minimum side yard shall comply with the requirements listed in Table H22.12.230.

Table H22.12.230 – Side Yards

District	Minimum Side Yard	<u>Minimum Side Yard (with Development Incentive Bonus pursuant to Chapter 22.81)</u>	Minimum Side Yard (Second Story)	<u>Minimum Side Yard (Second Story with development incentive pursuant to Chapter 22.81)</u>
R-1.5	5 feet	<u>0 feet</u>	10 feet	<u>5 feet</u>
R-2.5	5 feet	<u>10 feet</u>	10 feet	<u>5 feet</u>
R-3.5	5 feet	<u>10 feet</u>	10 feet	<u>5 feet</u>
R-6.0	5 feet	<u>10 feet</u>	10 feet	<u>5 feet</u>
R-7.0	5 feet	<u>10 feet</u>	10 feet	<u>5 feet</u>
R-7.5	5 feet	<u>10 feet</u>	10 feet	<u>5 feet</u>
R-10.0	5 feet	<u>15 feet</u>	12 feet	<u>5 feet</u>

R-15.0	10 feet	<u>15 feet</u>	15 feet	<u>8 feet</u>
R-20.0 and RR-20.0	10 feet	<u>15 feet</u>	15 feet	<u>8 feet</u>
R-40.0 and RR-40.0	15 feet	<u>15 feet</u>	25 feet	<u>15 feet</u>
<u>R-65.0 and RR-65.0</u>	<u>20 feet</u>	<u>20 feet</u>	<u>30 feet</u>	<u>20 feet</u>
R-80.0 and RR-80.0	25 feet	<u>40 feet</u>	35 feet	<u>25 feet</u>
R-100.0 and RR-100.0	30 feet	<u>40 feet</u>	40 feet	<u>30 feet</u>

22.12.240 – Rear Yards.

A. Except for the R-1.5 and R-2.5 Districts, the minimum rear yard shall be 25 feet (reduced to 15 feet with development incentive pursuant to Chapter 22.81), subject to the following exceptions:

~~A.~~ On a reversed corner lot the minimum rear yard shall be not less than the side yard prescribed in Section 22.12.230, provided that the side yard adjoining the street shall be not less than the required front yard on the adjoining key lot.

~~B.~~ Rear yard areas may be averaged on a single site to obtain the required 25-foot rear yard; not more than 50% percent of the width of the structure may extend closer than 25 feet to the rear property line, nor shall any portion of the structure extend closer than 15 feet to the rear property line.

B.C. In the R-1.5 District, the minimum rear yard shall be 20 feet (reduced to 10 feet with development incentive pursuant to Chapter 22.81) subject to the following exception. In the R-2.5 District, the minimum rear yard shall be 25 feet (or 15 feet with development incentive pursuant to Chapter 22.81) subject to the following exceptions:

1. In the R-1.5 District, the rear yard may be reduced to not less than 10 feet provided that 1 one side yard is at least not less than 20 feet.
2. In the R-2.5 District, the rear yard may be reduced to not less than 15 feet provided 1 one side yard is at least not less than 25 feet.
3. ~~One foot shall be added to the rear yard for each 2 feet of height above the lowest 12 feet of height of a structure.~~
4. ~~On a reversed corner lot, the minimum rear yard shall be not less than the side yard prescribed in Section 22.12.230, provided that the side yard adjoining the street shall be not less than the required front yard on the adjoining key lot.~~

22.12.250 – Usable Open Private Outdoor Space.

The minimum ~~usable open private outdoor~~ space per dwelling unit for multi-family residential structures in residential districts shall comply with the provisions in Table ~~22.12.250~~.

Table ~~22.12.250~~ – Private Outdoor Space

District	Minimum Usable Open-Private Outdoor Space Per Dwelling Unit	<u>Minimum Private Outdoor Space Per Dwelling Unit (with development incentive pursuant to Chapter 22.81)</u>
R-1.5	400 square feet	100 square feet
R-2.5	450 square feet	200 square feet
R-3.5	500 square feet	200 square feet

22.12.260 – Height of Structures.

- A. Except in the R-1.5, R-2.5, and R-3.5 districts, the maximum height of structures shall be two stories or a maximum of 25 feet (increased to three stories or 35 feet with development incentive pursuant to Chapter 22.81), whichever is less.
- B. The maximum allowable height of structures for all other residential zones shall be based on residential density, as shown in Table 22.12.260:

Table 22.12.260 – Maximum Height

<u>District / Residential Density</u>	<u>Maximum Height</u>	<u>Maximum Height (with development incentive pursuant to Chapter 22.81)</u>
<u>Up to 29.5</u>	<u>Two stories or a maximum of 25 feet above the 100-year flood plain, whichever is greater</u>	<u>Three stories or a maximum of 36 feet above the 100-year flood plain, whichever is greater</u>
<u>30.0 to 39.5 du/ac</u>	<u>Three stories or a maximum of 36 feet above the 100-year flood plain, whichever is greater</u>	<u>Four stories or a maximum of 48 feet above the 100-year flood plain, whichever is greater</u>
<u>40.0 to 50.0 du/ac</u>	<u>Four stories or a maximum of 48 feet above the 100-year flood plain, whichever is greater</u>	<u>Five stories or a maximum of 60 feet above the 100-year flood plain, whichever is greater</u>

SECTION IV: IMPLEMENTATION

Chapter 22.14 (PA Professional and Administrative Districts) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.14.090 – Coverage.

The maximum site area covered by structures shall be fifty percent (increased to sixty percent with development incentive pursuant to Chapter 22.81) of the total gross area of the site.

22.14.095 - Floor Area Ratio.

The maximum floor area ratio shall be 2.0 (increased to 2.5 with development incentive pursuant to Chapter 22.81).

22.14.100 – Front Yard.

The minimum front yard shall be 10 feet (reduced to 0 feet with development incentive pursuant to Chapter 22.81).

22.14.110 – Side Yard.

The minimum side yard shall be ~~5~~ five feet (reduced to two feet with development incentive pursuant to Chapter 22.81), subject to the following exceptions:

- A. On the street side of a corner lot, the side yard shall not be less than 10 feet;
- B. Where the side property line of a site of a professional office or an administrative office adjoins property in an ~~R~~ R-residential district, the side yard adjoining the R residential district shall be not less than ten feet and a solid masonry wall or board fence six feet in height shall be located on the property line. In addition, the five feet adjoining the property line shall be landscaped with plant materials and permanently maintained when such landscaping is necessary to ensure privacy, to screen unsightliness, or to mitigate noise.

22.14.120 – Rear Yard.

The minimum rear yard shall be 10 feet (reduced to five feet with development incentive pursuant to Chapter 22.81) subject to the following exceptions:

- A. Where the rear property line of a site of a professional office or an administrative office adjoins property in an ~~R~~ R residential district, the rear yard shall be not less than 20 feet (reduced to 10 feet with development incentive pursuant to Chapter 22.81) and a solid masonry wall or board fence six (~~6~~) feet in height shall be located on the property line. In addition, the five (~~5~~) feet adjoining the property line shall be landscaped with plant materials and permanently maintained by the property owner(s) when such landscaping is necessary to ensure privacy, to screen unsightliness, or to insulate adjoining dwellings against noise.
- B. A minimum setback of five feet shall be maintained from the rear property lines for accessory structures not exceeding 12 feet in height, including garages and

carports, garden structures, greenhouses, and storage buildings, except on a reversed corner lot. Accessory structures exceeding 12 feet in height are subject to the setback requirements shall comply with the minimum rear yard of 10 feet.

22.14.130 – ~~Usable Open~~ Private Outdoor Space.

The minimum ~~usable open~~ private outdoor space in the PA district shall be 400 square feet per residential dwelling unit (reduced to 100 square feet with development incentive pursuant to Chapter 22.81).

22.14.140 – Height of Structures.

No structures shall exceed 30 feet in height (increased to 40 feet with development incentive pursuant to Chapter 22.81). Taller structures may be permitted if, upon submission of an application, ~~the Planning Commission or Zoning Administrator grants an exception~~ is granted pursuant to Chapter 22.45, and ~~makes the following findings:~~

- ~~A. The increased height does not significantly impact the surrounding area in terms of visual aesthetics, sunlight access, or traffic congestion.~~
- ~~B. The increased height does not create adverse effects such as increased noise, glare, or air pollution that would negatively impact neighboring properties or the community.~~
- ~~C. The applicant provides sufficient justification for the need to exceed the standard building height, such as accommodating specialized industrial equipment or facilitating efficient operations.~~
- ~~D. The increased height contributes to economic development by attracting high-value industrial uses, promoting innovation, and enhancing the city's competitiveness in the region.~~
- ~~E. Any potential impacts associated with the increased height.~~

SECTION V: IMPLEMENTATION

Section 22.15.040 (Site Development Regulations) of Chapter 22.15 (R & D District) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.15.040 ~~Site Development Regulations~~ Development Standards.

The following site development regulations shall apply in the R & D ~~D~~district:

- A. **Site Area:** Minimum site area shall be one acre;
- B. **Site Width:** Minimum site width shall be 100 feet;
- C. **Site Depth:** Minimum site depth shall be 150 feet;

- D. **Front Yard:** Minimum front yard shall be 10 feet (reduced to five feet with development incentive pursuant to Chapter 22.81);
- E. **Side and Rear Yards:** The minimum side yard shall be zero feet. The minimum rear yard shall be zero feet. Where the lot has its side or rear yard adjacent to any residential district, the side yard shall be 10 feet and the rear yard shall be 25 feet, and a solid masonry wall or board fence six feet in height shall be located on the property line. Additionally, five feet adjoining the property line shall be landscaped with plant materials and permanently maintained by the property owner(s);
- F. **Height of Buildings:** A structure ~~may shall~~ not exceed ~~50 feet in a height of 50 feet (increased to 60 feet with development incentive pursuant to Chapter 22.81)~~. Taller structures may be permitted if, upon submission of an application, ~~the Planning Commission or Zoning Administrator grants an exception is granted pursuant to Chapter 22.45~~, and makes the following findings:-
- ~~1. The increased height does not significantly impact the surrounding area in terms of visual aesthetics, sunlight access, or traffic congestion.-~~
 - ~~2. The increased height does not create adverse effects such as increased noise, glare, or air pollution that would negatively impact neighboring properties or the community.-~~
 - ~~3. The applicant provides sufficient justification for the need to exceed the standard building height, such as accommodating specialized industrial equipment or facilitating efficient operations.-~~
 - ~~4. The increased height contributes to economic development by attracting high-value industrial uses, promoting innovation, and enhancing the city's competitiveness in the region.-~~
 - ~~5. Any potential impacts associated with the increased height are adequately addressed through mitigation measures proposed by the applicant.-~~
- G. **Floor Area Ratio:** The maximum floor area ratio in the PA district shall be 2.0 (increased to 2.5 with development incentive pursuant to Chapter 22.81).
- GH. **Landscaping:** Landscaping shall be considered as an integral part of any development plan. All landscape plans shall be subject to design review and shall be reviewed and approved by the Community and Economic Development Director, Planning Manager, or designee;
- HI. **Parking:** Parking shall be ~~constructed~~ provided at a ratio established by Chapter 22.36 for the proposed use.

The Planning Commission or Zoning Administrator may require fewer parking spaces when it can be adequately demonstrated through preparation of a parking study prepared by an independent consultant selected by the City and paid for by the applicant ~~by the applicant that~~ the proposal will demand less parking than required by Code.

- 4J. **Design Review:** Design review is required for all new construction, exterior alterations, and/or site improvements such as landscaping.

SECTION VI: IMPLEMENTATION

Chapter 22.16 (Commercial Districts) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.16.170 – Front Yards.

- A. The minimum front yard setback shall be as prescribed in Table 22.16.170, subject to the exceptions listed below:

Table 22.16.170 – Front Yard

District	Minimum Front Yard <u>Setback</u>	<u>Minimum Front Yard Setback (with development incentive pursuant to Chapter 22.81)</u>
Neighborhood Commercial	15 feet	<u>5 feet</u>
Central Commercial	5 feet	<u>2 feet</u>
Service Commercial	5 feet	<u>2 feet</u>

- B. Exceptions:

1. In the NC ~~D~~district, on a site abutting on property in an ~~Ra residential District~~ district and fronting on the same street, the minimum front yard setback shall be not less than the required front yard setback of the adjoining site in the ~~R-D residential~~ residential district.
2. In the CC and SC ~~D~~districts, no structure shall be closer than 15 feet to a street intersection, except portions of a structure which are less than 3 ½ feet or more than eight feet above sidewalk grade and one column, not exceeding one foot in any horizontal dimension shall not be subject to this requirement.
3. In the CC and SC ~~D~~districts, on a site abutting on property in an ~~R-Da residential~~ district and fronting on the same street, the minimum front yard setback shall be not less than one-half the required front yard setback on the adjoining site in the ~~R residential~~ residential ~~D~~district.

22.16.180 – Side Yards.

- A. The minimum ~~side~~front yard setback shall be as prescribed in Table 22.16.180, subject to the exceptions listed below:

Table 22.16.180 – Side Yard

District	Minimum Side Yard <u>Setback</u>	<u>Minimum Side Yard Setback (with development incentive pursuant to Chapter 22.81)</u>
Neighborhood Commercial	15 feet	<u>8 feet</u>
Central Commercial	0 feet	--
Service Commercial	0 feet	--

B. Exceptions:

1. In the NC ~~D~~district, on a site abutting on property in an ~~Ra~~ residential ~~District~~ district and fronting on the same street, the minimum sidefront yard setback shall be not less than the required sidefront yard setback with development incentive bonus of the adjoining site in the ~~R-D~~ residential district.
2. In the CC and SC ~~D~~districts, no structure shall be closer than 15 feet to a street intersection, except portions of a structure which are less than 3 ½ feet or more than eight feet above sidewalk grade and one column, not exceeding one foot in any horizontal dimension shall not be subject to this requirement.
3. In the CC and SC ~~D~~districts, on a site abutting on property in an ~~R-Da~~ residential district and fronting on the same street, the minimum front yard shall be not less than one-half the required front yard on the adjoining site in the ~~R~~ residential ~~D~~district.

22.16.190 – Rear Yards.

- A. The minimum rear yard setback shall be as prescribed in Table 22.16.190, subject to the exceptions listed below:

Table 22.16.190 – Rear Yard

District	Minimum Side Rear Yard <u>Setback</u>	<u>Minimum Rear Yard Setback (with development incentive pursuant to Chapter 22.81)</u>
Neighborhood Commercial	15 feet	<u>8 feet</u>
Central Commercial	0 feet	--

Service Commercial	0 feet	--
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B. Exceptions:

1. In the CC and SC ~~D~~districts, where the rear property line of a site adjoins property in an ~~R-Da~~ residential district or a PA ~~D~~district, the minimum rear yard setback shall be 10 feet.

22.16.195 - Floor Area Ratio.

The maximum floor area ratio ("FAR") shall comply with the requirements listed in Table 22.16.195.

Table 22.16.195

<u>District</u>	<u>Maximum FAR</u>	<u>Maximum FAR (with development incentive pursuant to Chapter 22.81)</u>
<u>Neighborhood Commercial</u>	<u>1.5</u>	<u>2.0</u>
<u>Central Commercial</u>	<u>3.0</u>	<u>3.5</u>
<u>Service Commercial</u>	<u>1.0</u>	<u>1.5</u>

22.16.200 – Height of Structures.

No structure shall exceed 30 feet in height (increased to 40 feet with development incentive pursuant to Chapter 22.81) in the NC or SC districts. In the CC ~~D~~district, the height of structures shall not exceed 40 feet, or three stories (increased to 50 feet or four stories with development incentive pursuant to Chapter 22.81). Taller structures may be permitted if, upon submission of an application, ~~the Planning Commission or Zoning Administrator grants an exception~~ is granted pursuant to Chapter 22.45. ~~and makes the following findings:~~

- ~~A. The increased height does not significantly impact the surrounding area in terms of visual aesthetics, sunlight access, or traffic congestion.~~
- ~~B. The increased height does not create adverse effects such as increased noise, glare, or air pollution that would negatively impact neighboring properties or the community.~~
- ~~C. The applicant provides sufficient justification for the need to exceed the standard building height, such as accommodating specialized industrial equipment or facilitation efficient operations.~~

- ~~D. The increased height contributes to economic development by attracting high-value industrial uses, promoting innovation, and enhancing the City's competitiveness in the region.~~
- ~~E. Any potential impacts associated with the increased height are adequately addressed through mitigation measures proposed by the applicant.~~

SECTION VII: IMPLEMENTATION

Section 22.17.020 (Uses and Density) of Chapter 22.17 (Affordable Housing Overlay District) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.17.020 Uses and Density.

Permitted and conditionally-permitted uses, allowable density, and development standards shall be the same as is required for the underlying zoning district(s) except where housing development projects are proposed that comply with the AHO ~~D~~district provisions for affordable housing units as described in Section 22.17.020.A. Housing development projects pursuant to this this Chapter must be entirely on a parcel or parcels were constituted and identified at the time of adoption of the Housing Element, which is reflected as the AHO ~~D~~district on the Zoning Map, and shall comply with the following:

- A. **Affordable Units.** Housing development projects shall provide at least 20 percent of the units as affordable to very low- and low-income households. Any fractional unit shall be rounded up to the nearest whole unit.
- B. **Deed Restriction.** All affordable units, exclusive of any manager unit or units, shall be subject to a recorded deed restriction, in a form and manner approved by the Planning Manager or designee for at least the following periods of time:
 - 1. Fifty-five years for units that are rented.
 - 2. Forty-five- years for units that are owner occupied.
- C. **Density Bonus.** Housing development projects constructed pursuant to this Chapter shall also be eligible for a density bonus, incentive, concession, waivers, or reductions of development standards and parking ratios, pursuant to Government Code Section 65915.
- D. **Development Incentives.** Housing development projects constructed pursuant to this Chapter shall also be eligible for development incentives pursuant to Chapter 22.81 (Development Incentives and Community Benefits Program).

SECTION VIII: IMPLEMENTATION

Chapter 22.18 (Industrial Districts) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.18.110 – Front Yard.

The minimum front yard setback shall be 10 feet (reduced to five feet with development incentive pursuant to Chapter 22.81); ~~shall have 50 percent of the front yard area shall be landscaped; and no portion of the front yard area shall not~~ may be used for parking or loading.

22.18.120 – Side Yards.

The minimum side yard setback shall be zero feet. When abutting any zoning district that allows for residential uses, the minimum side yard setback shall be 10 feet.

22.18.130 – Rear Yards.

The minimum rear yard setback shall be zero feet. When abutting any zoning district that allows for residential uses, the minimum rear yard setback shall be 25 feet.

22.18.135 - Floor Area Ratio.

The maximum floor area ratio (“FAR”) shall comply with the requirements listed in Table 22.18.135.

Table 22.16.195

<u>District</u>	<u>Maximum FAR</u>	<u>Maximum FAR (with development incentive pursuant to Chapter 22.81)</u>
<u>Light Industrial</u>	<u>2.0</u>	<u>3.0</u>
<u>Heavy Industrial</u>	<u>2.0</u>	<u>3.0</u>

22.18.140 – Height of Structures.

No structure shall exceed 50 feet in height (increased to 60 feet with development incentive pursuant to Chapter 22.81). ~~Taller structures may be permitted if, upon submission of an application, the Planning Commission or Zoning Administrator grants an exception is granted pursuant to Chapter 22.45, and makes the following findings:~~

- ~~A. The increased height does not significantly impact the surrounding area in terms of visual aesthetics, sunlight access, or traffic congestion.~~
- ~~B. The increased height does not create adverse effects such as increased noise, glare, or air pollution that would negatively impact neighboring properties or the community.~~
- ~~C. The applicant provides sufficient justification for the need to exceed the standard building height, such as accommodating specialized industrial equipment or facilitation efficient operations.~~

- ~~D. The increased height contributes to economic development by attracting high-value industrial uses, promoting innovation, and enhancing the City's competitiveness in the region.~~
- ~~E. Any potential impacts associated with the increased height are adequately addressed through mitigation measures proposed by the applicant.~~
- ~~F. The increased height complies with the purpose and intent of the zoning district.~~

SECTION IX: IMPLEMENTATION

Section 22.19.050 (Development Standards for the Civic District) of Chapter 22.19 (Civic District) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.19.050 Development Standards for the Civic District.

All property in the Civic District shall be developed in accordance with the following standards.

- A. **Maximum Floor Area Ratio.** The maximum floor area ratio in the Civic District shall be 3.0 (increased to 4.0 with development incentive pursuant to Chapter 22.81).
- B. **Maximum Height.** The maximum building height in the Civic District shall be 40 feet, or 3 stories (increased to 50 feet or 4 stories with development incentive pursuant to Chapter 22.81). ~~The Planning Commission may approve taller buildings by use permit. Taller buildings may be approved by exception pursuant to Chapter 22.45.~~
- C. **Minimum Lot Size.** The minimum lot size for new development or for the creation of new parcels shall be 20,000 square feet.
- D. **Front Yard Setback.** The maximum front yard setback shall be 30 feet (decreased to 15 feet with development incentive pursuant to Chapter 22.81). No parking is permitted in the front yard setback area. The front yard setback shall also apply to side and rear yards adjacent to a public street. For parcels that have frontage on Willow Street, the minimum front yard setback shall be 15 feet.
- E. **Rear Yard Setback.** No minimum rear yard setback is required, except where the rear parcel line abuts a residential zone district, the minimum rear yard setback shall be 25 feet (decreased to 15 feet with development incentive pursuant to Chapter 22.81).
- F. **Interior Side Yard Setback.** No minimum interior side yard setback is required, except where the rear parcel line abuts a residential zone district, the minimum interior side yard setback shall be 15 feet (decreased to 10 feet with development incentive pursuant to Chapter 22.81).
- G. **Parking.** Refer to Chapter 22.36 for off-street parking requirements and standards.

SECTION X: IMPLEMENTATION

Chapter 22.20 (GF Government Facilities Districts) of Title 22 (Zoning) of the MMC is hereby amended to include the following text:

22.20.065 - Floor Area Ratio.

The maximum floor area ratio shall be 3.0.

SECTION XI: IMPLEMENTATION

Chapter 22.22 (RI Recreational Facilities Districts) of Title 22 (Zoning) of the MMC is hereby amended to include the following text:

22.22.065 - Floor Area Ratio.

The maximum floor area ratio shall be 1.0.

SECTION XII: IMPLEMENTATION

Section 22.23.050 (Development Standards for the Downtown Shoreline District) of Chapter 22.23 (Downtown Shoreline District) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.23.050 - Development Standards for the Downtown Shoreline District.

- A. **General.** All new multiple residential development in this district shall be processed concurrently with a subdivision map, so that individual units can be offered for sale, and shall meet the requirements for new condominium units as contained in Chapter 21.54, ~~of the Municipal Code (2 parking spaces per unit, storage, etc.)~~
- B. **Maximum Height.** The maximum building height in the Downtown Shoreline District shall be 40 feet, or ~~3~~ three stories (increased to 50 feet or four stories with development incentive pursuant to Chapter 22.81), for developments approved for a density of 35 units per acre (see below); otherwise the height limit shall be 30 feet, or ~~2~~ two stories. In some areas, such as transition areas near existing single-family residential areas, a ~~2~~ two-story maximum height may be determined to be appropriate by the Planning Commission. ~~The Planning Commission may approve taller buildings by use permit. Taller buildings may be approved through an exception pursuant to Chapter 22.45.~~

- C. **Density.** The minimum site area per residential unit shall be 2,500 square feet (17 units per acre). The Planning Commission may approve a reduced site area per unit, down to a minimum of 1,250 square feet per unit (35 units per acre), by use permit. ~~In order t~~

To approve a density above the lower end of the density range without using development incentives provided in Chapter 22.81, the Planning Commission would need to find that in addition to meeting the above minimum requirements, the proposal is superior in terms of 2 two or more of the following criteria, and/or to approve a density at or near the upper end of the density range, the Planning Commission would need to find that the proposal is superior in terms of the majority of the following criteria:

1. Assembling all or most of the contiguous parcels into 4 one project, and designing the project as a new neighborhood;
2. Design and appearance;
3. Minimizing impacts on adjacent public lands;
4. Providing on-site amenities for the future residents;
5. Preserving or creating view corridors from public streets such as Talbart Street, Buckley Street, Marina Vista Avenue, Carquinez Scenic Drive, Castro Street, and Berrellesa Street;
6. Utilizing green building practices to the maximum extent possible;
7. Providing a variety of housing types, including detached single-family residential, where feasible, as a transition in areas near existing single-family neighborhoods;
8. Providing a new public street system that improves access to the Regional Shoreline and Alhambra Creek, potentially by extending Alhambra Avenue along the creek, and vacating Berrellesa. ~~In order to approve a density at or near the upper end of the density range, the Planning Commission would need to find that the proposal is superior in terms of all or almost all of the above criteria.~~

D. **Floor Area Ratio.** The maximum floor area ratio in the Downtown Shoreline district shall be 2.0 (increased to 3.0 with development incentive pursuant to Chapter 22.81).

ED. **Other Development Standards.** Setbacks, lot standards, site coverage, site area per dwelling unit, building height, distance between structures, minimum site area, site dimensions, and private outdoor space etc., shall be as provided in the Downtown Overlay District, Sections 22.13.040 through 22.13.090, inclusive.

SECTION XIII: IMPLEMENTATION

Section 22.29.060 (Alhambra Valley Districts – General Development Standards) of Chapter 22.29 (Alhambra Valley District) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.29.060 – Alhambra Valley Districts – General Development Standards.

A. **Minimum Lot Area.** The minimum net lot area shall be as specified in Table 22.29.060.A.

Table 22.29.060.A: Minimum Lot Area

Districts	Minimum Net Lot Area
AV/R-20 <u>0</u>	20,000 square feet
AV/R-40 <u>0</u>	40,000 square feet
AV/A-5	5 acres

B. **Minimum Site Area per Dwelling Unit.** The minimum site area per dwelling unit shall be as specified in Table 22.29.060.B, and as further regulated for sites of 10 percent or greater slope, by Section 22.29.080, Hillside Development.

Table 22.29.060.B: Minimum Site Area per Dwelling Unit

Districts	Minimum Site Area (per Dwelling Unit)
AV/R-20 <u>0</u>	20,000 square feet
AV/R-40 <u>0</u>	40,000 square feet
AV/A-5	5 acres

C. **Minimum Lot Depth and Width.** The minimum lot depth and minimum lot width (average) shall be as specified in Table 22.29.060.C4.

Table 22.29.060.C: Minimum Width and Lot Depth and Width

Districts	Minimum Lot Depth	Minimum Lot Width (Average) ¹
AV/R-20 <u>0</u>	120 feet	120 feet

AV/R-40 <u>0</u>	140 feet	140 feet
AV/A-5	200 feet	250 feet

¹ Average lot width is calculated by dividing the total gross area of the lot by the depth of the lot.

- D. **Minimum Front Yards, Side Yards and Rear Yards.** The minimum front yards, side yards, and rear yards shall be as specified in Table 522.29.060.D. For setback requirements for animal structures, see Section 22.29.060.G, Animal Structures.

Table 522.29.060.D: Minimum Yards

Districts	Aggregate Minimum Side Yards	Minimum Side Yard <u>Setback</u>		Minimum Front Yard <u>Setback</u>	Minimum Rear Yard <u>Setback</u>
		Interior	Corner	Interior and Corner	
AV/R-20 <u>0</u>	35 feet	15 feet ¹	20 feet	25 feet	15 feet ²
AV/R-40 <u>0</u>	40 feet	20 feet ³	20 feet	25 feet	15 feet ⁴
AV/A-5	40 feet	20 feet	20 feet	25 feet	15 feet

Notes:

¹ Within the AV/R-200 district, the side yard minimum may be reduced to three feet for an accessory structure, which does not exceed 600 square feet floor area coverage or 15 feet in height, if it is set back at least 65 feet from the front property line.

² Within the AV/R-200 district, there shall be a rear yard for accessory structures of at least three feet.

³ Within the AV/R-400 district, this minimum may be reduced to three feet for an accessory structure, which does not exceed 600 square feet floor area coverage or 15 feet in height, if it is set back at least 75 feet from the front property line.

⁴ Within the AV/R-400 district, there shall be a rear yard for accessory structures of at least three feet.

- E. Floor Area Ratio.** The maximum floor area ratio (“FAR”) shall be as specified in Table 22.29.060.E.

Table 22.29.060.E: FAR

<u>Districts</u>	<u>Maximum FAR</u>
<u>AV/R-20.0</u>	<u>0.2</u>
<u>AV/R-40.0</u>	<u>0.2</u>
<u>AV/A-5</u>	<u>0.2</u>

EF. **Maximum Height of Structures.** No single-family dwelling or other structure permitted in the Alhambra Valley ~~D~~istricts shall exceed two and one-half stories or 35 feet in height.

FG. **Off-Street Parking Requirements.** Chapter 22.36, (~~Off-street~~ Street Parking and Loading Facilities), shall apply within the Alhambra Valley ~~D~~istricts, excluding Sections 22.36.082 and 22.36.084, which shall not apply within the Alhambra Valley ~~D~~istricts. Parking requirements for the AV/A-5 district shall be the same as the R-400 district. Each parking space shall be entirely outside the required setbacks of the ~~main~~ primary structure.

GH. **Animal Structures.**

1. Aviaries shall not be over 12 feet in height nor exceed one square foot in area for each 50 square feet of net lot area per parcel and shall not exceed 1,600 total square feet. Aviaries shall be set back at least 25 feet from the front property line or any street or limit of right-of-way and at least ten feet from any side or rear property line, and shall be maintained in a sanitary manner as determined by the County Health Department.
2. Small animal structures shall be set back not less than 60 feet from the front property line or any street or limit of right-of-way, and shall be not less than 40 feet from any side or rear property line.
3. Large animal structures shall be set back not less than 100 feet from the front property line or any street or limit of right-of-way, and shall not be less than 50 feet from any side or rear property line.
4. Fenced pasture, paddocks, or other enclosed livestock areas shall not be located nearer than ten feet to any property line.

SECTION XIV: IMPLEMENTATION

Section 22.36.030 (Parking – Residential Uses) of Chapter 22.36 (Off-Street Parking and Loading Facilities) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.36.030 - Parking – Residential Uses.

A. Residential Parking Requirements: Parking shall be provided for residential development in accordance with the following table Table 22.36.030:

RESIDENTIAL USES TABLE

Dwelling Type	Zoning Districts	Required Parking Spaces Per Dwelling Unit**	
		Covered	Open
A. Single family	All districts except R-1.5, R-2.5 and R-3.5	2	0
Single family	R-1.5, R-2.5 and R-3.5	1	1
B. Multiple family*	All districts except sites included in the Downtown Overlay District	1	1½
C. Multiple family*	Downtown Overlay District (except projects on streets where bike lanes are proposed)	1	
Studio		1	
1 bedroom		1½	
2+ bedrooms		1	1
Guest parking: Additional required guest parking spaces shall be ¼ space if there are over 4 units. The required guest spaces shall be additive and rounded off to the higher number. The Planning Commission may approve tandem guest spaces if it can be found that residents will not be inconvenienced by this arrangement.			
D. Lodging houses, apartment hotels, motels and private clubs providing sleeping accommodations.	All districts	The greater of 1 space per guest room or 1 space per 2 beds.	

Note: Additional off-street parking may be required in amounts to be determined by the Planning Commission.

➤* Garages shall not be used for storage by any outside party nor used for habitation by any party. There shall be at all times in every garage in the City sufficient space to park at least one automobile

➤** Off-street, screened and fenced parking for recreational vehicles may be required in amounts to be determined by the Planning Commission for all projects in excess of ten dwelling units.

➤ For ADUs and JADUs, refer to Section 22.43.080 for parking requirements.

➤ For subsidized or assisted senior citizen housing, there shall be a minimum of .35 parking spaces per dwelling unit.

➤ Driveways shall not be counted as part of any required parking.

Table 22.36.030 – Residential Parking Standards

<u>Dwelling Type</u>	<u>Zoning Districts</u>	<u>Required Parking Spaces per Dwelling Unit* (Covered)</u>	<u>Required Parking Spaces per Dwelling Unit* (Open)</u>
<u>Single Family</u>	<u>All districts except R-1.5, R-2.5, and R-3.5</u>	<u>2</u>	<u>0</u>
<u>Single Family</u>	<u>R-1.5, R-2.5, R-3.5</u>	<u>1</u>	<u>1</u>
<u>Multifamily – any dwelling type**</u>	<u>All districts except Downtown Overlay District</u>	<u>1</u>	<u>1.25</u>
<u>Multifamily – studio**</u>	<u>Downtown Overlay District (except projects on streets where bike lanes are proposed)</u>	<u>1</u>	<u>0</u>
<u>Multifamily – one bedroom**</u>	<u>Downtown Overlay District (except projects on streets where bike lanes are proposed)</u>	<u>1.5</u>	<u>0</u>
<u>Multifamily – two or more bedrooms**</u>	<u>Downtown Overlay District (except projects on streets where bike lanes are proposed)</u>	<u>1</u>	<u>1</u>
<u>Lodging houses, apartment hotels, motels, and private clubs providing sleeping accommodations</u>	<u>All districts</u>	<u>The greater of one space per guest room or one space per two beds, covered or uncovered</u>	
<u>Subsidized or assisted senior living facilities</u>	<u>All districts</u>	<u>0.35 spaces per dwelling unit</u>	
<u>ADUs and JADUs</u>	<u>All districts</u>	<u>Refer to Section 22.43.080.</u>	
<u>Multiple family – studio and 1 bedroom</u>	<u>Projects requesting parking reductions as a development incentive provided in Section 22.81</u>	<u>1</u>	
<u>Multiple family – 2 to 3 bedrooms</u>	<u>Projects requesting parking reductions as a development</u>	<u>1.5</u>	

	<u>incentive provided in Section 22.81</u>	
<u>Multiple family – 4+ bedrooms</u>	<u>Projects requesting parking reductions as a development incentive provided in Section 22.81</u>	<u>2.5</u>

* Off-street, screened and fenced parking for recreational vehicles may be required in amounts determined by the Planning Commission or Zoning Administrator for all projects in excess of ten units.

** Garages shall not be used for storage by any outside party nor used for habitation by any party. There shall be at all times in every garage in the City sufficient space to park at least one automobile, except where parking is not required.

B. **Guest Parking:** Additional required guest parking spaces shall be 0.25 space if there are over four units. The required guest spaces shall be additive and rounded up to the higher number. The Planning Commission or Zoning Administrator may approve tandem guest spaces if it can be found that residents will not be inconvenienced by this arrangement.

C. **Driveways:** Driveways shall not be counted as part of any required parking, except when approved as tandem parking.

D. **Parking Not Required:** Parking is not required when a residential development is located within one-half mile of a transit stop, measured in a straight-line distance. For the purposes of this section, a transit stop is defined as a passenger train station.

SECTION XV: IMPLEMENTATION

Chapter 22.43 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 22 (Zoning) of the MMC is hereby amended as follows:

22.43.020 – Where Permitted.

A. Any ADU may be permitted:

1. On any lot zoned for a residential use, or any non-residentially zoned lot which is currently occupied with a single-family dwelling or multiple-family dwelling.
2. On any lot zoned or occupied by a religious institution, as defined in Chapter 22.04.

B. ADUs shall not be located in the following locations:

1. In areas encumbered by a recorded easement, including but not limited to, public utility easements, conservation easements, access easements, pedestrian pathway easements and open space easements; or
2. In areas that extend into a creek bank.

22.43.030 – Quantity of Units.

The following number of ADUs and JADUs shall be the maximum number of accessory units permitted on lots subject to this Section.

- A. Lot with one Single-Family Dwelling: one ADU and one JADU.
- B. Lot with more than one legal, conforming Single-Family Dwelling: one ADU total and one JADU.
- C. Lot with Multiple-Family Dwelling, either:
 1. Up to two detached ADUs; or
 2. At least one ADU converted from non-habitable portions of the existing primary structure that are not within the living space of a Dwelling Unit (e.g., basement, attic, garages storage room). The maximum number of ADUs converted from portions of the existing primary structure that are not within the living space of a Dwelling Unit shall not exceed 25 percent of the total number of existing Dwelling Units on the lot.

C. Lot with religious institution: up to two ADUs, subject to the following exceptions:

1. When a lot contains a religious institution and a single-family and/or multiple-family dwelling, the maximum number of ADU(s) permitted shall be associated with only one of the uses, whichever permits more.
2. When a religious institution occupies multiple lots, only one of these lots shall be eligible for the ADU(s).

22.43.140 – ADU Bonus Program.

- A. **Applicability.** Applicants that are proposing to deed-restrict an ADU to the following affordability levels are eligible for the bonuses described below:
 1. Moderate-Income, deed-restricted: Provide affordability between 80 to 120 percent of area median income with affordability restrictions in place for 55 years.
 2. Lower-Income, deed-restricted: Provide affordability at less than 80 percent of area median income with affordability restrictions in place for 35 years.

- B. **Bonuses.** The Planning Manager or designee shall approve ~~one of the following exceptions for an ADU consistent with affordability requirements outlined in Subsection A:~~
1. ~~One additional unrestricted ADU for every deed-restricted ADU, subject to the following provisions~~ For ADU(s) consistent with the affordability requirements outlined in Subsection A:
 - a. If the project is located in within a Transit Priority Area, defined by California Public Resources Code Section 21099(a)(7) as an area within one-half mile of a major transit stop that is existing or planned, ~~there are no limits to the number of bonus ADUs~~ the applicant shall be allowed one additional unrestricted ADU for every deed-restricted ADU with no limits so long as the respective amount of deed-restricted ADUs is provided, subject to space limitations and compliance with other standards and requirements of this Chapter.
 - b. If the project is not located within a Transit Priority Area, the limit shall be one deed-restricted and one additional unrestricted ADU, for a maximum of three ADUs.
 2. Waiver from another development standard listed in this Chapter that would otherwise make development of a deed-restricted ADU infeasible.
- C. **Requirements.** Property owners shall work with the City and Housing Authority of the County of Contra Costa (HACCC) to establish an Affordable Housing program, which at a minimum shall establish tenant eligibility, income verification and reporting requirements, and procedures for when a tenant's income raise beyond income limits.

SECTION XVI: IMPLEMENTATION

Title 22 (Zoning) of the MMC is hereby amended to add Chapter 22.45 (Exceptions) as follows:

CHAPTER 22.45 – EXCEPTIONS

22.24.010 Purpose.

22.44.020 Applicability.

22.44.030 Application and Fee.

22.44.040 Findings.

22.44.050 Lapse of Exception.

22.44.060 Revocation.

22.44.070 New Application.

22.24.010 – Purpose.

This chapter establishes a procedure to allow minor and major exceptions from specified regulations in the Martinez Municipal Code.

22.44.020 – Applicability.

A. **Minor Exceptions.** A minor exception to the development standards listed in Table 22.44.020(A) shall be approved if the Planning Manager or designee can make the findings identified in Section 22.44.040(A). If a minor exception is requested as part of another planning application, then the minor exception will be considered by the review authority reviewing the planning application in question.

Table 22.44.020(A)

<u>Type of Exception</u>	<u>Maximum Deviation Permitted with Minor Exception</u>
<u>Building height</u>	<u>Up to a maximum of five feet above the existing limitation, as measured from the base flood elevation</u>
<u>Fence or wall height</u>	<u>Up to a maximum of two feet above the existing limitation, and all portions of fence or wall taller than six feet must be lattice or similar open style of material</u>
<u>Required setbacks</u>	<u>Up to a maximum of 10 feet or 25 percent of the normally required setback, whichever is less</u>
<u>Floor area ratio (“FAR”)</u>	<u>Up to a maximum of 0.1 FAR or 500 square feet above the existing limitation, whichever is greater</u>
<u>Lot coverage</u>	<u>Up to a maximum of 10 percent or 500 square feet above the existing limitation, whichever is greater</u>
<u>Distance between structures</u>	<u>Up to a maximum of zero feet separation between structures</u>
<u>Lot size</u>	<u>Up to a maximum of 10 percent below the existing requirement</u>
<u>Lot width or depth</u>	<u>Up to a maximum of 10 percent below the existing requirement</u>
<u>Sign size</u>	<u>Up to a maximum of 20 percent above the existing limitation</u>

B. **Major Exceptions.** An exception beyond the maximum permitted deviations listed in Table 22.44.020(A) may be permitted through participation in the Development Incentives and Community Benefits Program, pursuant to the regulations found in Chapter 22.81 (Development Incentives and Community Benefits Program). A major exception, beyond what is permitted by the Development Incentives and Community Benefits Program, may be approved by the Planning Commission or Zoning Administrator if the project participates in the Development Incentives and Community Benefits Program and if the Planning Commission or Zoning Administrator can make the findings identified in both Section 22.04.040(A) and Section 22.04.040(B).

22.44.030 – Application and Fee.

Applications for exceptions shall be completed, filed, and processed in accordance with this chapter. Applications for exceptions shall be accompanied by a completed Standard Planning Application Form, on file with the Planning Division, accurate scale drawings, and all applicable fees in accordance with the currently adopted fee schedule. It is the responsibility of the applicant to provide evidence in support of the findings identified in Section 22.44.040.

22.44.040 – Findings.

A. Minor exceptions may be granted consistent with the procedures set forth in Section 22.06.030 and subject to the following findings:

1. The project will substantially comply with the Zoning Ordinance and the purpose and intent of the zoning district where the property is located.
2. The project will not pose a detrimental impact to the site, adjacent properties, or neighborhood.
3. The project will otherwise comply with applicable Zoning Ordinance and Building Code standards and requirements.

B. Major exceptions are subject to the following additional findings:

1. A greater deviation from the development standard than is otherwise permitted by a minor exception will allow for a higher quality of architectural design and site planning.
2. The project will contribute to the economic vitality of the area by creating new businesses, creating jobs, creating significant housing, or otherwise enhancing the attractiveness of the surrounding neighborhood.

22.44.050 – Appeals.

Within 10 days following the date of a decision of the review authority, the decision may be appealed to the Zoning Administrator or Planning Commission, as applicable, by the applicant or any other interested party. An appeal shall be made on a form prescribed by the Planning Division and shall be filed with the City Clerk. The appeal shall state specifically wherein the project approval or denial is not supported by the evidence in the record.

22.44.060 – Lapse of Exception.

An exception shall lapse and shall become null and void one year following the date on which the exception becomes effective, unless prior to the expiration of one year, a building permit is issued and construction is commenced on the site, or a certificate of occupancy is issued by the Building Inspector for the site or structure which was the subject of the exception application. An exception may be renewed for an additional period of one year, provided that prior to the expiration of one year from the date when the exception originally became effective, an application for renewal of the exception is made. The Planning Manager or designee may grant or deny an application for renewal of an exception.

22.44.070 – Revocation.

An exception granted subject to a condition or conditions of approval shall be revoked if the condition or conditions are not satisfied.

22.44.080 – New Application.

Following the denial or revocation of an exception application, no application for the same or substantially the same exception on the same or substantially the same site shall be filed within one year of the date of denial or revocation of the exception.

SECTION XVII: IMPLEMENTATION

Title 22 (Zoning) of the MMC is hereby amended to add Chapter 22.81 (Development Incentives and Community Benefits Program) as follows:

Chapter 22.81 Development Incentives and Community Benefits Program.

22.81.010 – Purpose.

The purpose of this Chapter is to allow deviations from select development standards for development projects which provide community benefits, such as on-site affordable housing, contribution to funding programs, or construction of on- or off-site improvements.

22.81.020 – Waiver of State Density Bonus Law.

Use of the provisions of this Chapter are optional. If the applicant chooses to use the provisions provided in this Chapter, then the applicant shall waive their right to utilize

California State Density Bonus Law provided in California Government Code Sections 65915 through 65918 and described in Chapter 22.80 (Density Bonus).

22.81.030 – Eligibility.

A. **Project Types.** The provisions provided in this Chapter shall apply to the following project types:

1. **Multi-family residential projects**
2. **Non-residential projects, including, but not limited to, office, industrial, and commercial projects**
3. **Mixed-use projects**

B. **Exceptions.** This Chapter shall not apply to any of the following project types or within the following districts:

1. **Single-family district**
2. **Parks and Open Space Protection Overlay district**
3. **Agricultural Zoning district**
4. **Alhambra Valley district**
5. **Government Facilities Zoning district**
6. **Recreational Facilities Zoning district**
7. **Open Space Zoning district**

C. **Consistency with Other Requirements.** In all cases, the potential development incentives available through this program must be consistent with the General Plan, applicable specific plans, and the Martinez Municipal Code.

22.81.040 – Determination of Development Incentives.

A. **General.** Applicants shall select which of the available development incentives they would like to utilize and then based on the quantity of those requests, a corresponding number of community benefits shall be provided at a 1:1 ratio.

B. **Determination.** To calculate the community benefit requirement for a potential project, an application should do the following:

1. **Determine the project site's zoning designation.**
2. **Review the development standards in the respective zoning designation's Chapter of this Title and determine which of the development incentives are desired.**
3. **Based on a ratio of one development incentive per one community benefit, determine how many community benefits are required.**

4. Select the respective amount of preferred community benefit(s), as provided in Section 22.81.060.

C. Projects at Housing Element Opportunity Sites. Applicants proposing multi-family residential projects, affordable to very low-, low-, or moderate-income households, on Housing Element Opportunity Sites which meet both the envisioned density and affordable housing mix shall be entitled to use of all available development incentives and no additional community benefits are required.

22.81.050 – Development Incentives.

A. Development Standards. Each applicable zoning district shall include a separate set of development standards which are only accessible to applicants opting into this program. These development standards (also referred to as “development incentives”) shall be located in each zoning district’s respective Chapter of this Title. The eligible development standards include:

1. Height and Stories increases
2. Setbacks reductions
3. Floor Area Ratio increases
4. Lot Coverage increases
5. Private Outdoor Space reductions
6. Parking reductions for residential projects

B. Multi-Family or Mixed-Use Residential Projects – Density Bonus. Multi-family residential projects shall be allowed to exceed permitted residential density by providing affordable housing as specified in Table 22.81.050 below:

Table 22.81.050 - Density Bonus

<u>Percent Affordable</u>	<u>Percent Density Bonus</u>	<u>Development Incentives</u>
<u>5 percent Very-Low Income</u>	<u>25 percent</u>	<u>Unlimited credits</u>
<u>10 percent Low Income</u>	<u>25 percent</u>	
<u>10 percent Moderate Income</u>	<u>10 percent</u>	
<u>10 percent Very-Low Income</u>	<u>35 percent</u>	
<u>20 percent Low Income</u>	<u>40 percent</u>	
<u>20 percent Moderate Income</u>	<u>20 percent</u>	
<u>15 percent Very-Low Income</u>	<u>55 percent</u>	
<u>24 percent Low Income</u>	<u>55 percent</u>	

<u>30 percent Moderate Income</u>	<u>30 percent</u>	
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1. Residential density shall be rounded to the nearest whole number for base and bonus density calculations (e.g., fractions of one-half or greater shall be rounded up to the nearest whole number and fractions less than one-half shall be rounded down to the nearest whole number).
2. The percentage of required affordable units shall be derived from the total amount of units from the base density associated with the underlying zoning requirements, rounded up to the nearest whole number (e.g., any fraction shall be rounded up to the nearest whole number).

D. Multi-Family or Mixed-Use Residential Projects – Development Incentive

Credits: In addition to density, applicants who elect to provide affordable housing consistent with this Chapter shall also be eligible for an unlimited amount of development incentives.

C. Affordable Unit Requirements. Affordable residential dwelling units shall comply with the following requirements:

1. All affordable units, exclusive of any manager unit(s), shall be subject to a recorded deed restriction, in a form and manner approved by the City Attorney and Planning Manager or designee(s) for at least the following periods of time:
 - a. Fifty-five years for units that are rented.
 - b. Forty-five-years for units that are owner occupied.
2. All affordable units shall be comparable to the overall quality of construction to the market-rate units, including exterior appearance, and access to amenities. The number of bedrooms in the affordable units shall be comparable to the average number of bedrooms in the market-rate units, include comparable square feet by unit size, and the affordable units shall be reasonably dispersed within the project site.
3. Any household that occupies an affordable unit must occupy that unit as its principal residence, unless otherwise approved in writing for rental to a third party for a limited period of time due to household hardship, as determined and approved by the City in advance.

D. Exceptions.

1. Development incentives shall be granted unless the deviation would result in a specific, adverse impact related to public health and safety as determined by the City.

2. Projects located within the Affordable Housing Overlay district, Alhambra Avenue Overlay district, and Community Services Overlay district shall not be permitted additional density bonuses provided in this Chapter. These projects are eligible for other development incentives, except for density.

22.81.060 – Community Benefits.

Applicants have the following available options to provide as community benefits to meet the required criteria set forth above:

A. General Requirement. All community benefits must be in addition to any improvements required as a normal City, State, or federal standard; standard condition of approval; or environmental mitigation.

B. Contribution to City-Funded Program:

1. For every five percent of construction valuation, as determined by the Chief Building Official or designee, contributed to a City-funding program, the applicant shall be permitted one development incentive.
2. As participation in the Community Benefits Program is optional for developers, the funds collected through this option are not considered impact fees (as defined by State law) and, therefore, are not subject to any State-imposed timelines for spending or restrictions for their use.
3. Applicants may choose to contribute directly to any of the following programs:
 - a. Affordable Housing Fund for the production, preservation, or protection of affordable housing.
 - b. Waterfront Marina Fund for the implementation of the Waterfront Marina Trust Lands Use Plan.

C. On-Site Community Benefits:

1. For every three percent of construction valuation, as determined by the Chief Building Official or designee, provided as an on-site community benefit(s), the applicant shall be permitted one development incentive.
2. The applicant assumes the full cost of building and the property owner and their successors are responsible for maintaining and operating the on-site community benefit. The privately owned physical improvements shall be permanent, subject to a recorded covenant approved as to form by the City Attorney, and enforceable by the City.

3. The applicant may propose the location and any other specifics of these improvements, subject to City approval.
4. Applicants may choose to include any of the following on-site community benefits:
 - a. Restoration or rehabilitation of historically significant structures of local, State, or federal importance, including, but not limited to, preparation of a Historic Resources Evaluation and implementation of any recommended measures
 - b. Leadership in Energy and Environmental Design (“LEED”) certification from the United States Green Building Council or equivalent certification approved by the Planning Manager or designee
 - c. Publicly accessible, privately owned open space
 - d. Publicly available parking spaces within a new parking structure
 - e. Trail or open space easement for use by public
 - f. Public art subject to the City of Martinez’s Public Art Policy (City Council Resolution 123-22)
 - g. Implementation of Universal Design and Accessibility standards, as provided in Chapter 15.34 of the Martinez Municipal Code.

D. Off-Site Community Benefits:

1. For every three percent of construction valuation, as determined by the Chief Building Official or designee, provided as an off-site community benefit(s), the applicant shall be permitted one development incentive.
2. All off-site improvements shall be constructed and maintained by the applicant and owned by the City.
3. All off-site improvements shall be constructed within 500 feet of the proposed project parcel(s).
3. The applicant may propose the precise location and any other specifics of these improvements, so long as they have a nexus to the proposed project as determined by the City.
4. Applicants may choose to include any of the following off-site community benefits:

- a. Right-of-way improvements
- b. Façade improvements
- c. Utility undergrounding

E. Flexible Community Benefits:

- 1. Should an applicant request to provide a community benefit not explicitly provided in this Chapter, then the applicant may file for a request, subject to the City Council determining the community benefit is commensurate or greater than the community benefits outlined in this Chapter.
- 2. The applicant shall be permitted one development incentive for every three percent of project construction valuation, as determined by the Chief Building Official or designee, of the provided community benefit.

F. Combining On-and Off-Site Community Benefits. In the event that a proposed on-or off-site community benefit could be constructed without meeting the required three percent construction valuation threshold, additional community benefits shall be provided to fulfill the minimum community benefit requirements, subject to City approval.

Alternatively, in the event an applicant elects to contribute to a City-funded program instead of an on-or off-site community benefit to fulfill the minimum community benefit requirements, that missing difference must be equivalent to the five percent requirement.

22.81.070 – Findings.

To grant a development incentive as prescribed in this Chapter, the following findings must be made in addition to the findings required by Section 22.40.070:

- A. That the proposed project will provide community benefits sufficient to satisfy the requirements provided in this Chapter.
- B. That the proposed community benefits for the project are significant and beyond what would otherwise be required for the project under applicable rules and regulations, conditions of approval, and/or environmental review mitigation measures.
- C. That the proposed community benefits for the project are acceptable and appropriate, and will provide tangible benefits to the community.

22.81.080 – Procedure.

- A. **Review Authority.** Applications requesting to use the provisions from this Chapter shall be acted on by the respective review authority associated with the applicable requirements provided in Title 22, unless the applicant seeks use of a flexible community benefit.

B. Duration of Entitlement. The entitlement of development incentives and community benefits shall be the same as the duration of the approval for the respective project.

C. Application Requirements. Applicants requesting to use the provisions from this Chapter shall submit the associated Planning Application with the following information:

1. A list of requested development incentives, including any calculations related to density bonuses such as base unit density, number of bonus units, and number of affordable housing units.
2. Selected community benefits from Section 22.81.060, including:
 - a. Preliminary construction valuation in a manner determined by the Chief Building official or designee, if applicable.
 - b. Preliminary materials and labor costs associated with any improvements used to secure development incentives, if applicable.
3. Written response to findings described in Section 22.81.070.
4. Completed Waiver of Rights to utilize State Density Bonus Law form.

D. Fees. All fees associated with community benefits shall be paid prior to the issuance of a Building Permit.

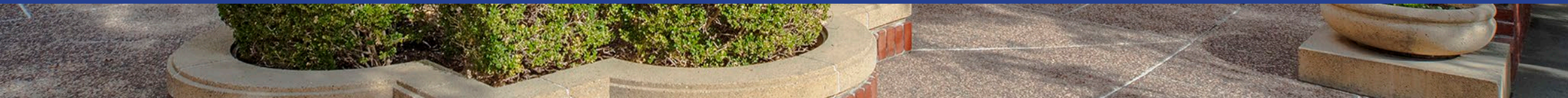
E. Environmental Review. The environmental review for any project proposing a community benefit that is integrated as a part of a project, that community benefit shall be adequately included as part of the project's environmental review process. If the proposed community benefit will be integrated off site and constructed separately, separate environmental review shall occur.



General Plan and Zoning Text Amendments – Development Incentives and Community Benefit Program, Exceptions, Height, Floor Area Ratio, and Accessory Dwelling Units

Planning Commission

September 10, 2024



Proposed Scope of Work

1. Zoning Text Amendment to create new chapter for Development Standard Exceptions
2. Zoning Text Amendment to revise residential building height standards
3. General Plan and Zoning Text Amendment to relocate Floor Area Ratio standards from the General Plan to the Zoning Ordinance
4. Zoning Text Amendments to permit Accessory Dwelling Units on religious institutional sites and clarify requirements of the Bonus Program
5. Zoning Text Amendment to create new chapter for Development Incentives and Community Benefits Program
6. Other minor zoning amendments

Background (Why All the Amendments?)

The 2023-2031 Housing Element and 2024 Planning Division Work Plan both include several programs requiring updates to the General Plan 2035 and Municipal Code.

These programs include:

- 2023-2031 Housing Element
 - Program 11: Zoning Ordinance Amendments
 - Program 13: Adequate Sites for Lower Income Households
 - Program 15: Access to Opportunities, Density Bonus, and Incentives
- 2024 Planning Division Work Plan
 - Task 4: ADUs and Junior Accessory Dwelling Units (“JADUs”)
 - Task 15: Development Incentives



Development Standard Exceptions



Development Standard Exceptions

- Alternative pathway compared to variance/conditional use permit
- Administrative approval process
- Would allow the following minor development standard deviations:

Type of Exception	Maximum Deviation Permitted with Minor Exception
Building height	Up to five feet above the existing limitation
Fence or wall height	Up to a maximum of two feet above the existing limitation, and all portions of fence or wall taller than six feet must be lattice or similar open style of material
Required setbacks	Up to a maximum of 10 feet or 25 percent
Floor area ratio ("FAR")	Up to a maximum of 0.1 FAR or 500 square feet
Lot coverage	Up to a maximum of 10 percent or 500 square feet
Distance between structures	Up to a maximum of zero feet separation
Lot size, width or depth	Up to a maximum of 10 percent below
Sign size	Up to a maximum of 20 percent above



Residential Building Height



Residential Building Height

- Revise R-1.5, R-2.5, and R-3.5 zoning districts' height standards to be based on unit density
- Current:
 - R-1.5: Two stories over depressed parking or a maximum of 30 feet
 - R-2.5 and R-3.5: Two stories or a maximum of 25 feet
- Proposed (based on HCD's direction):
 - Up to 29.5 du/ac: Two stories or a maximum of 25 feet above the 100-year flood plain
 - 30.0 to 39.5 du/ac: Three stories or a maximum of 36 feet above the 100-year flood plain
 - 40.0 to 50.0 du/ac: Four stories or maximum of 48 feet above the 100-year flood plain



Floor Area Ratio (“FAR”) Regulations

FAR Regulations

- Before the adoption of General Plan 2035 in November 2022, no properties in the City were subject to FAR
- General Plan 2035 added FAR standards
- Propose to:
 - Relocate FAR standards from the General Plan to the Zoning Ordinance
 - Revise FAR standards to better equate with existing conditions
- Current:
 - Residential Very High = 0.25
 - General Commercial (“GC”) = 1.0
- Proposed:
 - R-1.5 = 2.0
 - Neighborhood Commercial (“NC”) = 1.5



Accessory Dwelling Units (“ADUs”)



ADUs

1. Permit up to two ADUs on religious institutional facilities
2. Clarify requirements of the ADU Bonus Program



Development Incentives and Community Benefits Program



What is this about?

Allows developers to exceed certain development standards (such as height and setbacks) in exchange for community benefits, such as improvements that wouldn't otherwise be required, or payment of in-lieu fee.



Cities with Similar Programs

- City of Emeryville
- City of Concord
- City of Walnut Creek
- City of South San Francisco

Applicability (which projects and where?)

- Multi-family, non-residential, and mixed-use projects
- Most zoning districts
 - Excluding open space, agricultural, civic, and government facilities
- Citywide (no excluded areas)



Multi-Family Residential



Office/Commercial



Mixed-Use



Single-Family Residential



Open Space



Program Framework (how does this program work?)

- Applicable zoning districts will have new “bonus” tier for development standards only available to projects opting into the program
 - Height and Stories
 - Setbacks
 - Floor Area Ratio
 - Lot Coverage
 - Private Outdoor Space
 - Parking Requirements (for residential projects)

Zoning District	Height	Setbacks	FAR	Lot Coverage	Outdoor Space	Parking
R-1.5	25' or 2 stories	Front: 10' Rear: 25'	2.0	40%	400 sf per unit	Chpt 22.36
<u>R-1.5 (with Development Incentive)</u>	<u>37' or 3 stories</u>	Front: <u>0'</u> Rear: <u>15'</u>	<u>2.5</u>	<u>50%</u>	<u>100 sf per unit</u>	<u>SDBL Standards</u>

Program Framework (how does this program work?)

- Applicants would have the opportunity to select which of the individual development incentives they would like to use
- Based on the **quantity** of the requests, a corresponding number of community benefits will need to be provided at a **1:1 ratio**
- **Example:**
 - Applicant requests **3 development incentives:**
 1. Height and story increase
 2. Setback reduction
 3. Floor Area Ratio increase
 - Applicant must provide equivalent of **3 community benefits**

Community Benefits (what's it cost to applicants?)

Contribution to City Funded-Programs	On-Site Benefits	Off-Site Benefits	Flexible Benefits
5% of construction valuation as payment into City funding program	3% of construction valuation incorporated as project feature: <ul style="list-style-type: none"> • Historic rehabilitation • Sustainability Certification • Public open space • Public parking • Trail or open space easements • Public art • Universal design 	3% of construction valuation incorporated as non-project feature: <ul style="list-style-type: none"> • Right-of-way improvements • Façade improvements • Utility undergrounding 	Other potential community benefits not provided in the standard menu of options: <ul style="list-style-type: none"> • Tied to construction valuation • Requires more rigorous approvals

Development Incentives in Action

1

Assumptions

Wants to opt into program for use of the following development incentives:

- 1) Height
- 2) Setbacks
- 3) FAR

2

Request #1: Height

Applicant reviews community benefit menu and elects to provide 3% construction valuation for an on-site improvement.

3

Request #2: Setbacks

Applicant reviews community benefit menu and elects to provide 3% construction valuation for an on-site improvement.

4

Request #3: FAR

Applicant reviews community benefit menu and elects to provide 5% construction valuation as contribution to City's Affordable Housing Fund.

5

Summary

City determines construction valuation.

Applicant provides 6% construction valuation as an on-site improvement.

Provides 5% as cash towards City's Affordable Housing Fund.

Incentivize Affordable Housing through Density Bonus

Affordable Requirement	Density Bonus	Development Incentives
5% Very-Low	25%	Unlimited credits
10% Low	25%	
10% Moderate	10%	
10% Very-Low	35%	
20% Low	40%	
20% Moderate	20%	
15% Very-Low	55%	
24% Low	55%	
30% Moderate	30%	

- Automatically awarded residential density bonus and set amount of development incentives
- Projects meeting minimum envisioned density and affordability at Housing Element Opportunity Sites have access to all development incentives

Process (how will this work in the entitlement process?)

- Requested development incentives and community benefits to be approved by respective review authority
- Flexible benefits require City Council approval
- Fees paid prior to issuance of a Building Permit
- Waiver of rights to State Density Bonus Law

Minor Corrections

- Side Yard Setbacks

District	Minimum Side Yard	Minimum Side Yard (with Development Incentive Bonus)	Minimum Side Yard (Second Story)	Minimum Side Yard (Second Story with Development Incentive Bonus)
R-1.5	5 feet	0 feet <u>5 feet</u>	10 feet	5 feet
R-2.5	5 feet	10 feet <u>5 feet</u>	10 feet	5 feet
R-3.5	5 feet	10 feet <u>5 feet</u>	10 feet	5 feet
R-6.0	5 feet	10 feet <u>5 feet</u>	10 feet	5 feet
R-7.0	5 feet	10 feet <u>5 feet</u>	10 feet	5 feet
R-7.5	5 feet	10 feet <u>5 feet</u>	10 feet	5 feet
R-10.0	5 feet	15 feet <u>5 feet</u>	12 feet	5 feet
R-15.0	10 feet	10 feet <u>5 feet</u>	15 feet	8 feet
R-20.0 and RR-20.0	10 feet	10 feet <u>5 feet</u>	15 feet	8 feet
R-40.0 and RR-40.0	15 feet	15 feet <u>5 feet</u>	25 feet	15 feet
R-65.0 and RR-65.0	20 feet	20 feet <u>10 feet</u>	30 feet	20 feet
R-80.0 and RR-80.0	25 feet	40 feet <u>15 feet</u>	35 feet	25 feet
R-100.0 and RR-100.0	30 feet	40 feet <u>20 feet</u>	40 feet	30 feet

Recommendation

Conduct a public hearing and adopt Resolution No. 24-07, recommending the City Council to approve:

1. General Plan Amendment to amend the General Plan 2035 to relocate the Floor Area Ratio standards from the General Plan to the Zoning Ordinance and
2. Zoning Text Amendment to amend the Martinez Municipal Code (“MMC”) by establishing new and amending existing regulations by
 - a. adding Chapter 22.45 (Exceptions);
 - b. adding Chapter 22.81 (Development Incentives and Community Benefits Program); and
 - c. amending Chapters 22.04 (Definitions), 22.10 (Agricultural Districts), 22.12 (Residential Districts), 22.14 (PA Professional and Administrative Districts); 22.15 (Site Development Regulations), 22.16 (Commercial Districts), 22.17 (Affordable Housing Overlay District), 22.18 (Industrial Districts), 22.19 (Civic District), 22.20 (GF Government Facilities Districts), 22.22 (RI Recreational Facilities Districts), 22.23 (Downtown Shoreline District), 22.29 (Alhambra Valley District), 22.36 (Off-Street Parking and Loading Facilities), and 22.43 (Accessory Dwelling Units and Junior Accessory Dwelling Units) by:

Recommendation (continued)

- i. adding definitions for “Community Benefit,” “Development Incentive”, and “Flexible Community Benefit;”
- ii. updating the development standards (such as density, height and stories, setbacks, floor area ratio, lot coverage, and private outdoor space) to comply with the aforementioned new Chapters;
- iii. updating the permitted height to comply with the 2023-2031 Housing Element;
- iv. adding Floor Area Ratio requirements; clarifying the ADU Bonus Program;
- v. permitting Accessory Dwelling Units on properties with religious institutions; and
- vi. other minor amendments.

Including the minor corrections presented by staff.



Thank you!

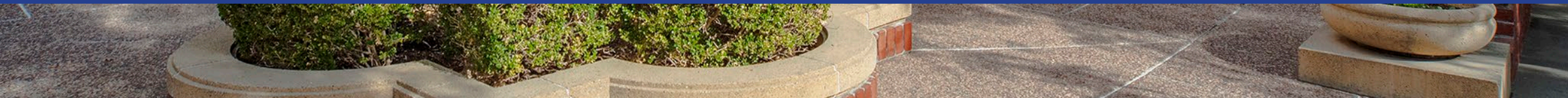




Zoning Text Amendments – Lot Consolidation & Project Phasing

Planning Commission

September 10, 2024



What's in the Proposed Ordinance?

1. Create new chapter for Lot Consolidation Incentives
2. Create new chapter for Project Phasing Facilitation Measures
3. Amend Off-Street Parking and Loading Facilities Chapter including:
 1. Add requirements for Shared Parking Agreements, to comply with AB 894
 2. Eliminate parking requirements within one-half mile of public transit, to comply with AB 2097
 3. Modify required parking ratio for restaurants
4. Amend the definition of Home Occupation to comply with Microenterprise Home Kitchen Operations ("MEHKOs") and Cottage Food Operations ("CFOs")

Why All the Amendments?

The 2023-2031 Housing Element and 2024 Planning Division Work Plan both include several programs requiring updates to the Municipal Code.

These programs include:

- 2023-2031 Housing Element
 - Program 13: Adequate Sites for Lower Income Households
- 2024 Planning Division Work Plan
 - Task 14: Lot Consolidation and Phasing
 - Task 29: Parking Regulations
 - Task 42: Zoning Code Cleanup



Lot Consolidation Incentives



Lot Consolidation Incentives

- Lot consolidation is the combining of existing lots into larger lots
- HCD considers parcels smaller than 0.5 acres to be unsuitable to accommodate developments that provide lower-income housing
- The average parcel size of undeveloped or vacant land in Martinez is 0.49 acres, below this minimum threshold
- Housing Element Program 13 commits the City to develop and implement strategies to encourage and facilitate lot consolidation to make sites more developable for housing

Lot Consolidation Incentives

- The City Council held a Special Study Session on lot consolidation on June 26, 2024, and endorsed offering the following incentives:

Lot Consolidation Incentives
1. Waiver of Planning Division's Lot Merger Fee (\$675)
2. Expedited review of planning entitlement application – 90 days for residential projects with fewer than 75 units or for nonresidential projects measuring less than 50,000 square feet and 180 days for residential projects with 75 units or greater or for nonresidential projects measuring 50,000 square feet or greater
3. Reduction in required private outdoor space, up to a maximum of 25 percent beneath the minimum requirement
4. Allowance for up to 10 percent of all required off-street parking spaces to be converted to bicycle and motorcycle parking spaces, rather than automobile off-street parking spaces
5. Allowance for up to 50 percent of all required off-street parking spaces to be compact parking spaces



Project Phasing Facilitation Measures



Project Phasing Facilitation Measures

- Project phasing is the ability to break up a development into distinct pieces, or phases, allowing for the gradual completion of the project over time
- This reduces the financial strain on the developer
- Each phase typically undergoes its own building permit approval process
- Project phasing is also part of Housing Element Program 13, to make sites in Martinez more developable for housing

Project Phasing Facilitation Measures

- The City Council held a Special Study Session on project phasing on June 26, 2024, and endorsed offering the following facilitation measures:

Project Phasing Facilitation Measures

1. An initial two-year duration for all planning entitlements for any phased project, rather than one year, except for projects approved subject to the Subdivision Map Act, which shall receive an initial three-year duration for all planning entitlements
2. The proportioning of impact fees by project phase, rather than paying all impact fees at the onset of the project

Project Phasing Facilitation Measures

- Timelines imposed on projects that take advantage of project phasing:
 - Projects with two phases would have a maximum of six years to complete all phases
 - Projects with three or four phases would have a maximum of eight years to complete all phases
 - Projects with five or more phases would have a maximum of 10 years to complete all phases



Parking Regulations Amendments



Parking Regulations Amendments

Shared Parking Regulations

- Assembly Bill 894 required cities to allow entities with underutilized parking to share such parking with existing or future developments if those entities submit a shared parking agreement
- This means that a project under development could enter into a shared parking agreement with a neighboring entity that has surplus parking to fulfill the project's parking requirements, without constructing new parking onsite
- The proposed regulations include a procedure for reviewing and approving a shared parking agreement

Parking Regulations Amendments

Commercial Parking Requirements

- The parking standard for restaurants is proposed to be reduced to one space per 100 square feet from the previous standard of one space per 100 square feet plus one space per three employees
- This standard was overly restrictive and posed issues with verification and monitoring
- One parking space per 100 square feet is the same standard as the cities of Benicia, Lafayette, and Concord
- The change is being proposed to ensure the parking requirement can be readily enforced by the City, and to maintain Martinez's competitiveness for attracting new restaurants

Parking Regulations Amendments

Parking Requirements Within One-Half Mile of Public Transit

- To comply with State law (AB 2097), language is proposed to be added to the Off-Street Parking and Loading Facilities chapter to reflect the prohibition on requiring parking for new developments within one-half mile of a major transit stop
- Event centers, hotels, motels, break and breakfast inns, or other transient lodging are excluded from this parking exemption
- Public transit is defined as a passenger train station or a ferry terminal



MEHKOs and CFOs



MEHKOs and CFOs

MEHKOs

- A MEHKO is a food facility that is operated by a resident in a private home
- Cooks prepare, cook, and serve food to consumers on the same day either through delivery, take-out, or dine-in the home
- MEHKOs are limited to selling no more than 30 meals per day and 90 meals per week, and no more than \$100,000 in gross annual sales
- MEHKOs are allowed to operate in jurisdictions where the County has opted into the law and has created a permitting structure – Contra Costa began issuing MEHKO permits on July 1, 2024
- To comply with State law, the City needs to update several requirements relating to Home Occupations so that MEHKOs are a permissible Home Occupation

MEHKOs and CFOs

CFOs

- Cottage food operations allow a home cook to prepare and sell a specific list of nonpotentially hazardous foods directly or indirectly to the consumer, such as dried fruits, seasonings, candies, honey, nuts, and vinegars
- Cottage food operations have been allowed pursuant State law which became effective on January 1, 2013
- CFOs are also limited in their annual sales – either \$75,000 or \$150,000, depending on the type of CFO permit
- To comply with State law, the City needs to update several requirements relating to Home Occupations so that CFOs, like MEHKOs, are a permissible Home Occupation

Recommendation

Conduct a public hearing and adopt Resolution 24-08, recommending that the City Council adopt an Ordinance approving a Zoning Text Amendment by:

1. adding Chapters 22.58 (Lot Consolidation Incentives) and 22.59 (Project Phasing Facilitation Measures);
2. amending Chapter 22.36 (Off-Street Parking and Loading Facilities) to comply with Assembly Bill (“AB”) 894 regarding shared parking, AB 2097 regarding minimum parking requirements within one-half mile of public transit, and restaurant parking requirements; and
3. amending the definition of “Home Occupation” in Chapter 22.04 (Definitions) of the Martinez Municipal Code.

Thank You!



Questions?



City of Martinez Planning Commission Speaker Card

To address the Commissioners, please complete this card and present it to the Administrative Aide at the center console of the dais. Speakers are requested to adhere to a 3-minute limit on each item.

MEETING DATE: 9/10/24

NAME: Karen Sandri

ORGANIZATION: _____

- I wish to speak on an item NOT on Agenda, during Public Comment.
- I wish to speak on item # _____, and I am (choose below):
 - in support of item
 - in opposition of item
 - neutral
- I do NOT wish to speak, but leave these comments for the Commission:

no parking on Alhambra way
Road can't handle it
for Mental Health facility



City of Martinez Planning Commission Speaker Card

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MEETING DATE: 9-10-24

NAME: Ron Etkon

ORGANIZATION: _____

- I wish to speak on an item NOT on Agenda, during Public Comment.
- I wish to speak on item # _____, and I am (choose below):
 - in support of item
 - in opposition of item
 - neutral
- I do NOT wish to speak, but leave these comments for the Commission:



City of Martinez Planning Commission Speaker Card

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MEETING DATE: 9/10/24

NAME: Jon Becker

ORGANIZATION: _____

- I wish to speak on an Item NOT on Agenda, during Public Comment.
- I wish to speak on Item # 1, and I am (choose below):
 - in support of Item in opposition of Item neutral
- I do NOT wish to speak, but leave these comments for the Commission:



City of Martinez Planning Commission Speaker Card

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MEETING DATE: Sept, 10 - 24

NAME: Over Cleland

ORGANIZATION: _____

- I wish to speak on an Item NOT on Agenda, during Public Comment.
- I wish to speak on Item # _____, and I am (choose below):
 - in support of Item in opposition of Item neutral
- I do NOT wish to speak, but leave these comments for the Commission:



City of Martinez Planning Commission Speaker Card

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MEETING DATE: 9-10-24

NAME: MICHAEL A. PLS

ORGANIZATION: _____

- I wish to speak on an Item NOT on Agenda, during Public Comment.
- I wish to speak on Item #____, and I am (choose below):
 - in support of Item in opposition of Item neutral
- I do NOT wish to speak, but leave these comments for the Commission:



City of Martinez Planning Commission Speaker Card

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MEETING DATE: 9-10-24

NAME: Jim McGuire

ORGANIZATION: CONCERNED NEIGHBOR

- I wish to speak on an Item NOT on Agenda, during Public Comment.
- I wish to speak on Item #____, and I am (choose below):
 - in support of Item in opposition of Item neutral
- I do NOT wish to speak, but leave these comments for the Commission:



City of Martinez Planning Commission Speaker Card

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MEETING DATE: 9-10-2024

NAME: FRANK

ORGANIZATION: SELF

- I wish to speak on an Item 0 NOT on Agenda, during Public Comment.
- I wish to speak on Item # _____, and I am (choose below):
 - in support of Item
 - in opposition of Item
 - neutral
- I do NOT wish to speak, but leave these comments for the Commission:

