



Lou Ann Texeira
 Executive Officer

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**August 10, 2022
 Agenda Item 13**

August 10, 2022 (Agenda)

Contra Costa Local Agency Formation Commission
 40 Muir Road, 1st Floor
 Martinez, CA 94553

Request for Extension of Time – City of Martinez

Dear Members of the Commission:

On April 14, 2021, the Commission approved the extension of out of agency water service (OAS) by the City of Martinez to serve two parcels (APNs 375-311-001/-003) totaling 1.49± acres. The subject area is located at the intersection of Howe Road and Sycamore Street in unincorporated Martinez (Mt. View area). The extension of City water service will support the *Bay’s Edge Subdivision* and construction of a 30-unit multifamily project.

The Commission’s approval of the City’s extension of OAS in April 2021, included a condition that the City apply to LAFCO to annex the parcels to the City by August 31, 2022. The LAFCO condition is in accordance with the Cortese Knox Hertzberg Local Government Reorganization Act and with Contra Costa LAFCO’s local policies. The subject parcels are contiguous to the City boundary, within the City’s sphere of influence, and within the County Urban Limit Line.

To date, the landowner and City have taken the following actions in support of a future annexation:

- The landowner filed a general plan amendment, rezoning, and annexation application with the City (March 31, 2021).
- City staff reviewed the current general plan and zoning designations and determined that the City will rely on the pending General Plan Update to accommodate residential densities that are adequate to support the project site. The City anticipates adopting its General Plan Update by the end of 2022.
- Regarding pre-zoning, the City will rely on the existing M-29-P rezoning district (i.e., maximum density of 29 dwelling units per acre) to support the project site. No additional pre-zoning action is required at this time.
- In November 2021, the landowner and City executed and recorded a Deferred Annexation Agreement for the project.
- On July 11, 2022, the City issued a construction permit for the frontage improvements on Howe Road and water system for the project.

The City and landowner are making progress on the project; however, additional time is need for a General Plan amendment and for the City to prepare and submit the LAFCO annexation application. The City submitted a letter (attached) requesting a time extension to August 31, 2023 to complete the required tasks.

RECOMMENDATION: It is recommended that the Commission approve the City’s request for a one-year extension of time to August 31, 2023 to allow the City to complete the General Plan amendment and submit an annexation application to LAFCO.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment – Letter from City of Martinez

c: Hector Rojas, Planning Manager, City of Martinez
Khalil Yowakim, Senior Civil Engineer, City of Martinez
Michael Arikat, Millennium Properties



August 1, 2022

Lou Ann Texeira, Executive Officer
Contra Costa LAFCO
40 Muir Road, 1st Floor
Martinez, CA. 94553

Subject: Bay's Edge Project Annexation (City File Nos. D0118 and D0149)

Ms. Texeira,

On April 14, 2021, the Contra Costa LAFCO adopted Resolution No. 20-08, authorizing the City of Martinez ("City") to provide out-of-agency water service to "Bay's Edge", a 30-unit multifamily project on a 1.49-acre site (APNs 375-311-001 and -003) at the intersection of Howe Road and Sycamore Street in unincorporated Contra Costa County ("County"). Resolution No. 20-08 provides that LAFCO's approval of out-of-agency water service is effective following receipt of an executed and recorded deferred annexation agreement and executed indemnification agreement which will allow the landowner to file the final map for the project with the County, subject to the following commitments by the landowner and the City:

1. The landowner shall within thirty (30) days of LAFCO's approval file with the city applications for general plan amendment, pre-zoning, and annexation of the subject territory to the City, and shall process those applications to completion.
2. The City commits to submit to LAFCO an annexation application of the subject territory to the City, along with application annexation fees, by August 31, 2022, in the event the entirety of Mt. View is not annexed to the City prior to that date.

This letter is to formally request a 12-month extension on the deadline for the City to submit the annexation application to LAFCO as stipulated in #2 above. The following is a summary of actions the landowner and City have taken to date in support of the future annexation:

1. On March 31, 2021, the landowner filed a general plan amendment, pre-zoning, and annexation application with the City (City File Nos. D0118 and D0149).

2. On June 14, 2021, the City reviewed the Bay's Edge Project Initial Study/Mitigated Negative Declaration Addendum prepared by the County and concurred that it is appropriate.
3. On November 18, 2021, the City determined the following with respect to the general plan amendment:
 - a. The existing General Plan land use map (revised April 18, 2018, per Resolution 011-17) designates the project site as "R 0-6". While this designation allows residential development, it does not accommodate the proposed 20.4 dwelling units per acre proposed by the project.
 - b. The August 2022 revised draft "General Plan 2035" designates the project site as "Residential Very High (RVH)". This designation allows multifamily housing at residential densities between 20.1 and 30.0 dwelling units per acre.
 - c. The City will rely on the pending General Plan Update to accommodate residential densities that are adequate to support the project site at the time it annexes to the City.
 - d. No additional action is required at this time with regard to a general plan amendment for the project. The City anticipates adopting its General Plan Update sometime before the end of this year. Upon adoption of the General Plan Update, the project density will be consistent with the Martinez General Plan.
4. On November 18, 2021, the City determined the following with respect to the pre-zoning:
 - a. The City Council adopted Ordinance No. 955 on September 16, 1981 to pre-zone the project site and environs to "Multiple Family Residential (M-29-P)". The M-29-P pre-zoning district allows a maximum density of 29 dwelling units per acre.
 - b. The City will rely on the existing M-29-P pre-zoning district to support the project site at the time it annexes to the City.
 - c. No additional action is required at this time with regard to a pre-zoning for the project.
5. On November 11, 2021, the landowner and City executed the Deferred Annexation Agreement for the project. The agreement was recorded on November 18, 2021 (DOC-2021-0319919).

6. On July 11, 2022, the City issued a construction permit for the frontage improvements on Howe Road and water system for the project.

I hope this letter provides sufficient information to support the requested 12 month extension to August 31, 2023. Please contact me should you have any questions or require additional information regarding this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Hector Rojas', with a stylized flourish at the end.

Hector Rojas, AICP
Planning Manager
City of Martinez