

RESOLUTION NO. 8-2015

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING A RECOMMENDATION AND FINDINGS FOR A REQUESTED REZONE AT 1130 CHRISTIE ROAD IN THE UNINCORPORATED MARTINEZ AREA OF SAID COUNTY.

WHEREAS, on August 12, 2009, Charles Lewis (Applicant & Owner) submitted an application (County File #RZ09-3213) for a request to rezone 20-acres of land located at 1130 Christie Road (APN 362-080-016) in the Martinez area from A-4 Agricultural Preserve District to A-2 General Agricultural District; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, an Initial Study/Negative Declaration was prepared by the Department of Conservation & Development to determine the scope of the project's environmental impacts and whether or not an environmental impact report should be prepared; and

WHEREAS, the Initial Study identified no potentially significant environmental impacts related to the project; and

WHEREAS, on February 4, 2015, the Department of Conservation & Development published a Notice of Intent to Adopt an Initial Study/ Negative Declaration (IS/ND), which recited the foregoing facts, indicated that the project would not result in potentially significant impacts to the environment, and began the period for public review and comments on the adequacy of the environmental documentation that ended on February 24, 2015; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission (CPC) on Tuesday, June 9, 2015, whereat all persons interested in the matter might appear and be heard; and

WHEREAS, on June 9, 2015, the County Planning Commission fully reviewed, considered, and evaluated all testimony and evidence submitted in this matter and recommended that the Board of Supervisors approve the rezoning.

WHEREAS, subsequent to the CPC hearing but before the Board of Supervisor hearing the applicant acquired approximately 2.25 acres of land from the adjacent neighbor (Lot Line Adjustment 15-31) and wishes to include that land in the Rezoning application.

WHEREAS, the proposed addition of 2.25 acres to the rezoning application does not require revision to the IS/ND pursuant to CEQA Section 15073.5.

WHEREAS, after notice having been lawfully given a public hearing was scheduled before the CPC again to consider the reconfigured rezoning application with the additional 2.25 acres of land.

WHEREAS, on November 10, 2015 the CPC recommended that the Board of Supervisors finds the IS/ND is in compliance with CEQA and adopt the IS/ND and approve the rezoning with the additional 2.25 acres.

NOW, THEREFORE BE IT RESOLVED that the County Planning Commission recommends that the Board of Supervisors:

1. FIND, for purposes of compliance with the provisions of CEQA and the State and County CEQA Guidelines, that the Initial Study prepared for the project adequately analyzes the potential environmental impacts and ADOPT the proposed Negative Declaration.

In making this recommendation the County Planning Commission certifies that it has been presented with the Initial Study, and that it has reviewed and considered the information contained in the Initial Study and the other pertinent information in the administrative record. The County Planning Commission further certifies that the Initial Study reflects the County's independent judgment and analysis, and that the Initial Study has been completed in compliance with CEQA regulations.

2. ADOPT a motion to rezone the subject property located at 1130 Christie Road in the Martinez area from A-4 Agricultural Preserve District to A-2 General Agricultural District.

BE IT FURTHER RESOLVED that the County Planning Commission finds that sufficient evidence has been provided to determine that the proposed project conforms with the County *Growth Management Performance Standards* (County General Plan 2005-2020, Growth Management Element, Section 4.4) and makes all of the findings required by County Code § 26-2.1806 to allow approval of the proposed rezone as follows:

A. Growth Management Performance Standards

1. Traffic: The parcel contains a single-family residence with a barn, stables and horse training facility. The peak hour trips associated with the parcel is one peak hour trip for the single-family residence. The traffic associated with the horse facility is approximately two to four automobiles per day and occur in non-peak hour times.
2. Water: The subject parcel contains a water well that complies with Health Services Department, Environmental Health Division standards for establishment of wells.

3. Sewage: The subject parcel contains a septic system that complies with Health Services Department, Environmental Health Division standards for establishment of septic systems.
 4. Fire Protection: The subject parcel receives fire protection services from the Contra Costa County Fire Protection District.
 5. Public Protection: The subject site receives public protection services from the Contra Costa County Sheriff. Simply rezoning the site would not impact public protection services because impacts to such services are mitigated at the time building permits are issued on lots created through a minor subdivision, as were the subject properties.
 6. Parks and Recreation: Approval of the proposed project would not substantially increase the population and therefore would not increase the demand for neighborhood parks and recreation facilities.
 7. Flood Control and Drainage: A portion of the site is located in a Special Flood Hazard Area but no drainage improvements are required because no development is proposed. If drainage improvements were ever necessary, they would be required to comply with the requirements of the County Building/Grading Division and may require a Flood Plain Permit.
- B. Rezone Findings

1. Required Finding: The change proposed will substantially comply with the general plan.

Project Finding: The Agricultural Lands (AL) General Plan land use designation is consistent with all agricultural zoning districts. Rezoning the subject site from A-4 Agricultural Preserve District to A-2 General Agricultural District is consistent with the intent and purpose of the Urban Limit Line and the 65/35 Land Preservation Standard because the subject property would continue to be zoned for agricultural, non-urban uses. Rezoning the site from A-4 to A-2 is consistent of the goals and policies contained in the various elements of the General Plan related to preservation of agricultural lands and protection of open space. For these reasons, approval of the rezoning would substantially comply with the General Plan.

2. Required Finding: The use authorized or proposed in this land use district is compatible within the district and with uses authorized in adjacent districts.

Project Finding: The subject property is bordered on the east and southeast by land zoned A-2 and on the west and north by land zoned A-4. Most of

the uses allowed in the A-2 and A-4 districts are the same or similar. Thus, the uses allowed in the A-2 zone are found to be compatible with uses authorized in adjacent agricultural districts.

3. Required Finding: Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.

Project Finding: Approval of County File #RZ 1764 rezoned the subject property in 1973 from A-2 to A-4 when the site entered into a Williamson Act contract. The contract expired in 1997 and thus there is no need for the property to be zoned A-4. The property is bordered on all sides by properties zoned A-2 and A-4 and these zones are prevalent in the surrounding area. Rezoning the site to A-2 is therefore justified.

The instructions by the County Planning Commission to prepare this resolution were given by motion of the County Planning Commission on Tuesday, November 10, 2015, by the following vote:

AYES: Commissioners M. Terrell, D. Steele, R. Swenson and D. Snyder


NOES: None

ABSENT: Commissioners J. Wright, D. Stewart and R. Clark

ABSTAIN: None

Donald Snyder,
Chair of the Planning Commission,
County of Contra Costa, State of
California

I, Aruna Bhat, Secretary of the County Planning Commission, certify that the foregoing was duly called and approved on November 10, 2015.

ATTEST: 
Aruna Bhat,
Secretary of the Planning Commission
County of Contra Costa, State of
California