

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Barry K. Hogan, Community Development Director *JKH*

**DATE:** September 28, 2006 (CC Meeting of 10/4/06)

**SUBJECT:** Consider Resolution Approving Amendment No. 1 to Downtown Specific Plan No. 1995-01, A Request to Amend the Downtown Specific Plan to Provide More Specific Direction Regarding Development and Architectural Style in the Commercial and Residential Areas

**DISCUSSION**

The City Council continued this item from its September 20, 2006 meeting, to an adjourned meeting and the regular meeting of October 4, 2006, with the public hearing open, in order to allow more time for review of the proposed changes. Please refer to the adjourned meeting agenda packet for the September 20, 2006 City Council report.

**PROCESSING TIME LIMITS**

Time limits have been established for the processing of these amendments through the adoption of the extension of the downtown moratorium which will expire on December 7, 2006. The following timelines have been established for action on this project:

**Planning Commission Action Deadline:** September 26, 2006  
**City Council Action Deadline :** November 1, 2006

If the Council concurs with the proposed amendments, staff would bring back the revised Specific Plan and adopting resolution on the Consent Calendar no later than the regular meeting of November 1, 2006, with an effective date that coincides with the related Zoning Ordinance.

**ENVIRONMENTAL DETERMINATION**

In accordance with the City's environmental review procedures adopted by resolution, the Community Development Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects

may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts. The Director has reviewed this project and found it to qualify for a General Rule Exemption in accordance with Section 15061 of California Code of Regulations (CEQA Guidelines). No further environmental documentation is required.

**STAFF RECOMMENDATION**

Take testimony and direct staff as appropriate.

**ATTACHMENT:**

Draft City Council Resolution.

RESOLUTION NO. 2006-\_\_\_\_\_

A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO SPECIFIC PLAN NO. 1995-01 REVISING SECTIONS 2 AND 3 OF THE DOWNTOWN SPECIFIC PLAN TO PROVIDE MORE SPECIFIC DIRECTION REGARDING DEVELOPMENT AND ARCHITECTURAL STYLE IN THE COMMERCIAL AND RESIDENTIAL AREAS AND REVISING NUMBERING THROUGHOUT THE SPECIFIC PLAN

WHEREAS, on October 7, 1998, the City Council adopted Resolution 98-1515, approving Specific Plan No. 1995-01 (Downtown Specific Plan); and

WHEREAS, on December 7, 2005, the City Council adopted a moratorium on development in non-residential zones of the Downtown Specific Plan Overlay Zone and on decreased parking requirements in the Downtown area which expires on December 7, 2006; and

WHEREAS, at its meeting of June 27, 2006 and July 18, 2006, the Planning Commission conducted a duly-noticed public hearing on Amendment No. 1 to Specific Plan No. 1995-01, a request to amend Sections 2 and 3 of the Downtown Specific Plan to provide more specific direction regarding development and architectural style in the commercial and residential areas, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and reached a decision, recommending approval of Amendment No. 1; and

WHEREAS, at its meeting of September 20, 2006 and adjourned and regular meeting of October 4, 2006, the City Council conducted a duly-noticed public hearing on Amendment No. 1 to Specific Plan No. 1995-01, a request to amend Sections 2 and 3 of the Downtown Specific Plan to provide more specific direction regarding development and architectural style in the commercial and residential areas, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and reached a decision; and

WHEREAS, the City Council directed staff at its October 4, 2006 meeting to make the changes to the documents as directed and set approval of this Resolution for its November 1, 2006 City Council meeting in order to allow staff the opportunity to make those changes and to revise numbering throughout text of the Specific Plan; and

WHEREAS, the City Council concurs with the Community Development Director's determination that this project is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

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

SECTION 1. The City Council finds Amendment No. 1 of the Specific Plan No. 1995-01 is consistent with the City of Moorpark General Plan.

SECTION 2. The City Council approves Amendment No. 1 to Specific Plan No. 1995-01 to amend Sections 2 and 3 of the Downtown Specific Plan to provide more specific direction regarding development and architectural style in the commercial and residential areas, as recommended by staff and shown in Exhibits 1 and 2 attached, and to incorporate a general renumbering of the sections, tables, figures and pages throughout the Specific Plan.

SECTION 3. If any section, subsection, sentence, clause, phrase, part or portion of this Resolution is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 1<sup>st</sup> day of November, 2006.

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Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt, City Clerk

Exhibit 1: Section 2  
Exhibit 2: Section 3  
Exhibit 3: Commercial Photosimulations