

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Planning Director
Prepared by: Joseph Fiss Principal Planner 

DATE: May 8, 2009 (CC Meeting of 5/20/2009)

SUBJECT: Consider a Resolution Directing the Planning Commission to Study, Hold a Public Hearing and Provide a Recommendation on Rescinding the Development Agreement and Amending the General Plan Land Use and Zoning Designations for the Toll/Mazur Project Site; and Amending the General Plan Land Use, Downtown Specific Plan Land Use, and Zoning Designations for Property Owned by the Moorpark Redevelopment Agency on the South Side of Everett Street between Moorpark Avenue and Walnut Street

BACKGROUND

Toll/Mazur Project – On November 15, 2006, the City Council adopted Resolution No. 2006-2537, approving a Negative Declaration and General Plan Amendment for two additions to the Country Club Estates project by Toll Brothers: a 29-home addition adjacent to Walnut Canyon Road (Mazur site) and a 49-home addition adjacent to Grimes Canyon Road (Husted site). On December 6, 2006, Ordinance No. 345 was approved for a Zone Change for these two project additions, Ordinance No. 346 was approved for the Development Agreement for the 49-home addition, Ordinance No. 347 was approved for a Development Agreement for the 29-home addition, Resolution No. 2006-2541 was approved for Tentative Tract Map No. 5463 and Residential Planned Development Permit No. 2003-04 for the 49-home addition and Resolution No. 2006-2542 was approved for Tentative Tract Map No. 5464 and a modification to Residential Planned Development Permit No. 1994-01 for the 29-home addition. The General Plan Amendment and Zone Change increased the allowable density on both project sites from 1 unit per 5 acres to 1.48 units per acre. Toll Brothers has signed the Development Agreement and has been proceeding on development of the 49-home addition. However, on October 25, 2007, Toll Brothers sent an e-mail to City staff indicating that they will not sign the Development Agreement and no longer intend to pursue the 29-home addition on the Mazur site.

MRA/Everett Street Project – The Moorpark Redevelopment Agency (MRA) has acquired several properties on the south side of Everett Street between Moorpark Avenue and Walnut Street. The MRA is working with a development partner to develop this area with market rate and affordable dwelling units at a maximum density of twenty-five (25) units per acre. Development at this density would require a new General Plan land use category, an amendment to the Downtown Specific Plan, and a zone change.

The following table describes the existing and proposed General Plan and Zoning Designation for each site. Location maps for both properties are attached.

	Toll/Mazur	MRA/Everett Street Project
Existing General Plan	Medium Low Density Residential (M-L) and Open Space 1 du/40 ac (OS-2)	Downtown Specific Plan, including Medium Density Residential (M), Public/Institutional (PUB), and Office (O)
Proposed General Plan	Rural Low Residential (RL) 1 du/5 ac	25 units/acre
Existing Zoning	RPD 2.0 du/ac (Residential Planned Development) and OS 500-ac (Open Space)	R-1 (Single Family Residential), I (Institutional), and C-O (Commercial Office)
Proposed Zoning	Rural Exclusive 1 du/5 ac (RE-5)	25 units/acre

DISCUSSION

The development agreement adopted for Toll/Mazur project is very specific to the project design and works hand in hand with the zoning and general plan designations adopted concurrently to regulate the use of the property. It has not been signed by the property owner/developer or City, and therefore is not effective. Without this project being constructed under the terms of the development agreement, the general plan and zoning designations do not ensure that public benefits will outweigh public service demands. Therefore, the general plan and zoning designations should revert to what they were without the development agreement.

The MRA/Everett Street project is proposed at a slightly higher density (25 units per acre) than the maximum density currently allowed under the City's General Plan (20 units per acre with affordable housing). The proposed density is consistent with current planning, environmental, and housing trends. To allow for such density, the General Plan would have to be amended in order for the City Council to consider such a project. An amendment to the Downtown Specific Plan would also be required. A project on this MRA-owned land would also be subject to a Disposition and Development Agreement.

The Municipal Code calls for a resolution of City Council to initiate an amendment to the general plan, any specific plan, and zoning map. The attached draft resolution, if adopted by City Council, would direct staff and the Planning Commission to study and provide a recommendation to the City Council on rescinding the development agreement for the Toll/Mazur property, on general plan amendments, and zone changes for both the Toll/Mazur and MRA/Everett Street properties, and on an amendment to the downtown specific plan for the MRA/Everett Street property.

FISCAL IMPACT

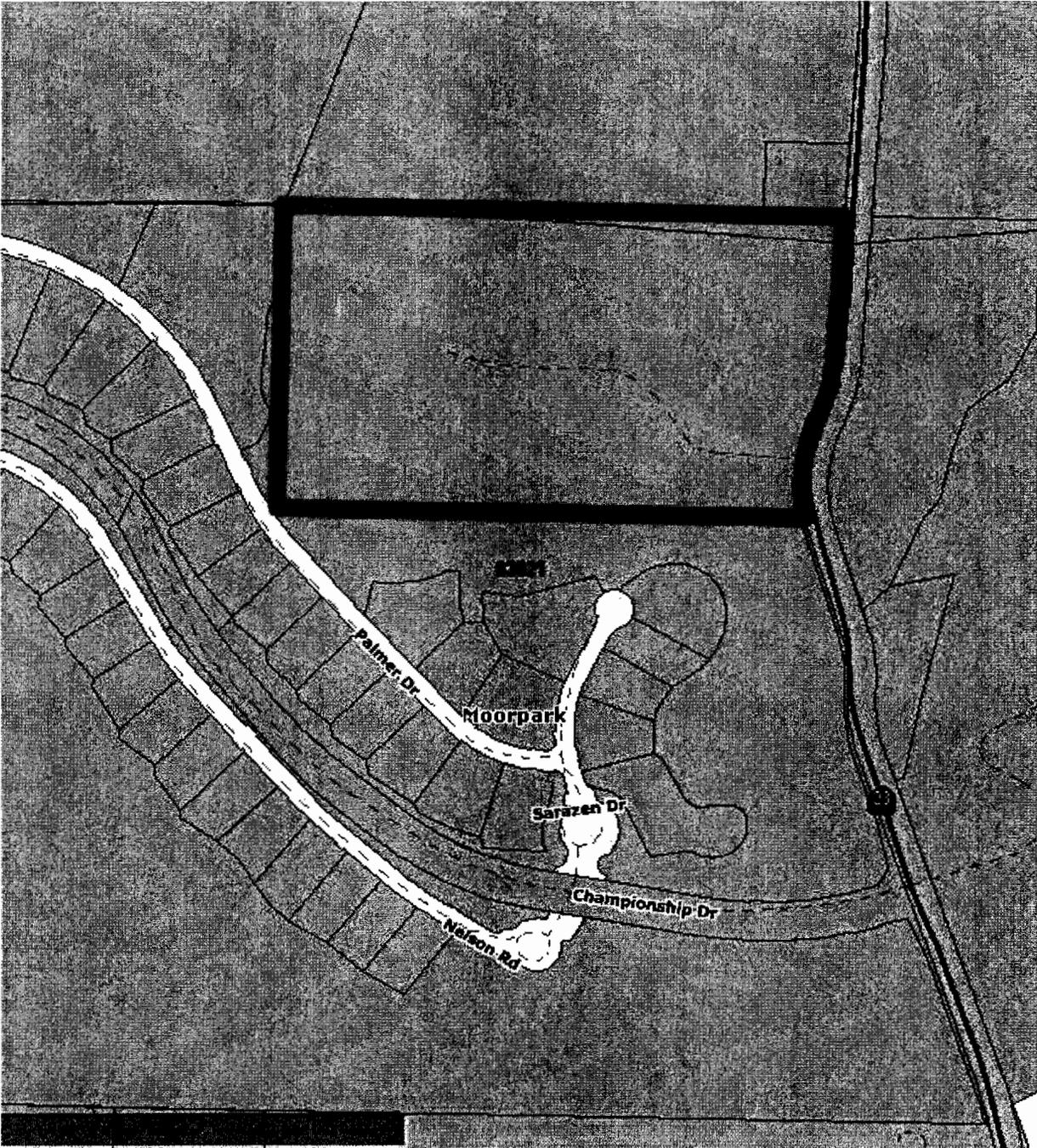
None.

STAFF RECOMMENDATION

Adopt Resolution 2009-_____.

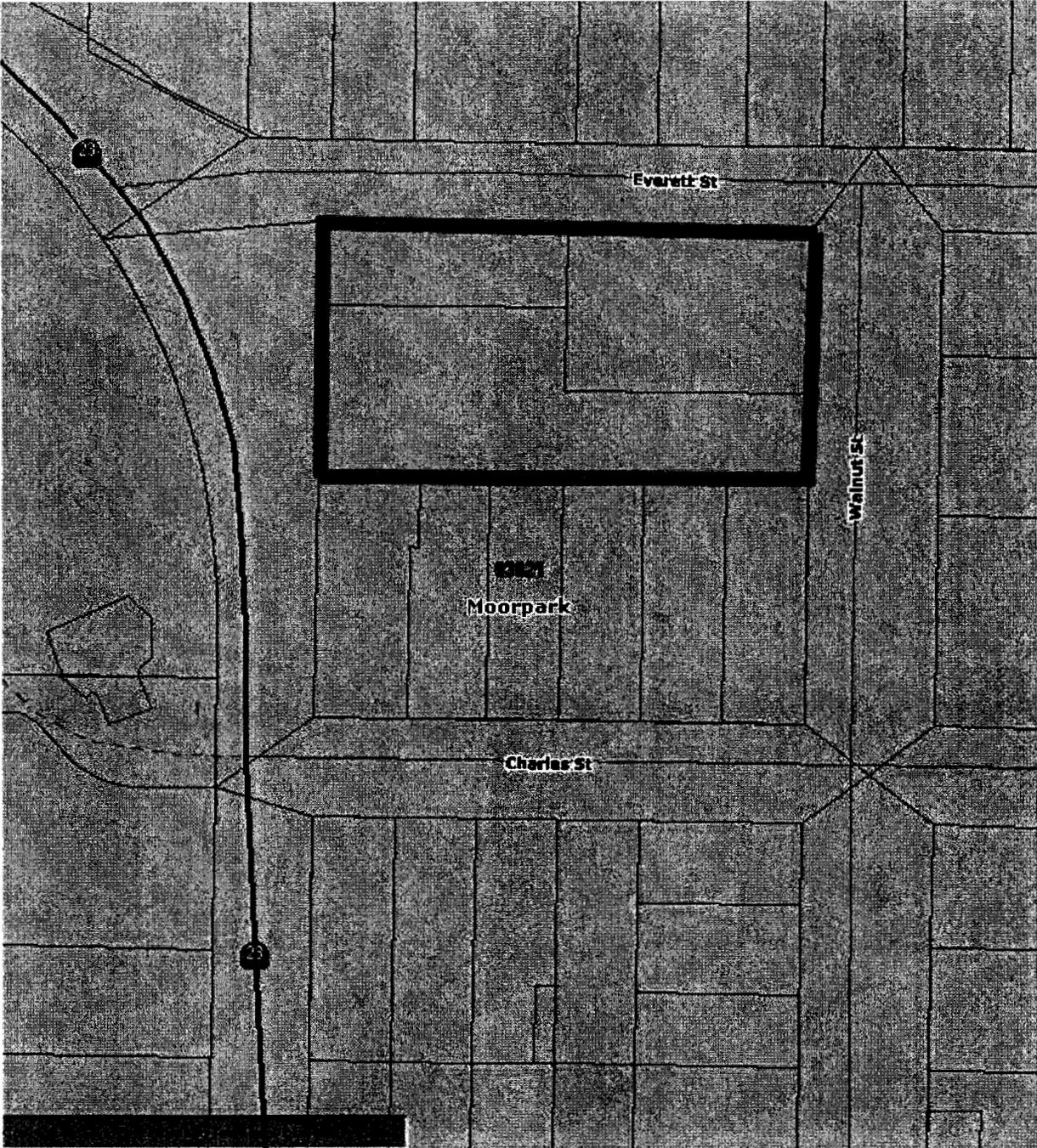
ATTACHMENTS

1. Location Map – Toll/Mazur Property
2. Location Map – MRA Everett Street Property
3. Draft Resolution



Toll/Mazur Property

CC ATTACHMENT 1



MRA/Everett Street Property

CC ATTACHMENT 2

RESOLUTION NO. 2009-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DIRECTING THE PLANNING COMMISSION TO STUDY, HOLD A PUBLIC HEARING AND PROVIDE A RECOMMENDATION TO THE CITY COUNCIL ON RESCINDING A DEVELOPMENT AGREEMENT, A GENERAL PLAN AMENDMENT, AND ZONE CHANGE FOR A DEVELOPMENT PROJECT THAT IS NOT PROCEEDING (TOLL/MAZUR); AND ON A GENERAL PLAN AMENDMENT, SPECIFIC PLAN AMENDMENT, AND ZONE CHANGE ON THE MRA/EVERETT STREET PROPERTY ON THE SOUTH SIDE OF EVERETT STREET BETWEEN MOORPARK AVENUE AND WALNUT STREET

WHEREAS, Section 17.44.050 of the Municipal Code provides that the City Council may initiate proceedings to consider amendments to the General Plan any Specific Plans, and the Zoning Map by the adoption of a resolution of intent; and

WHEREAS, Section 15.40.120 of the Municipal Code requires the Planning Commission to hold a public hearing and make a recommendation on a termination of a Development Agreement; and

WHEREAS, the City Council wishes to initiate proceedings to consider rescinding a Development Agreement (Ordinance No. 347), General Plan Amendment, and Zone Change that was adopted for a development project that is not proceeding (Toll/Mazur – Assessor Parcel Nos. 502-0-150-030); and

WHEREAS, the City Council wishes to initiate proceedings to consider a General Plan Amendment, amendment to the Downtown Specific Plan, and Zone Change for affordable housing at 25 units per acre density at property on the south side of Everett Street between Moorpark Avenue and Walnut Street on property owned by the Moorpark Redevelopment Agency.

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

SECTION 1. INITIATION OF PROCEEDINGS: The City Council hereby authorizes the initiation of proceedings to consider a General Plan Amendment and Zone Change that would revert the General Plan and Zoning designations for the Toll/Mazur project site to the designations that existed prior to project approval, and to rescind the Development Agreement (Ordinance No. 347) for this project; and, to consider a General Plan Amendment, Downtown Specific Plan Amendment, and Zone Change for affordable housing at 25 units per acre density at property on the south side of Everett Street between Moorpark Avenue and Walnut Street on property owned by the Moorpark Redevelopment Agency.

CC ATTACHMENT 3

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SECTION 2. DIRECTION TO PLANNING COMMISSION: The Planning Commission is hereby directed to study, hold a public hearing, and provide a recommendation to the City Council on this matter.

SECTION 3. CITY CLERK CERTIFICATION AND FILING: 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 20th day of May, 2009.

Janice S. Parvin, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk