

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO: Honorable City Council**

**FROM: David A. Bobardt, Planning Director**



**DATE: July 1, 2009 (CC Meeting of 7/15/2009)**

**SUBJECT: Consider Ordinance to Approve Zoning Ordinance Amendment No. 2009-01, Amending Section 17.32.025: High Street Area Parking Requirements**

**BACKGROUND/DISCUSSION**

In June 2007, the City Council amended and updated the City's Parking Ordinance in its entirety. Since that time the amended ordinance has worked well with the exception of the High Street area. While the Council's amendments to the parking ordinance reduced the required parking in the High Street area to fifty percent (50%) if an in-lieu fee was paid, the cost of the in-lieu fee has discouraged any "buy-downs" of parking to the 50% standard. Additionally, parking for eating and drinking places is substantially higher than for retail sales and service places making it very difficult to attract new eating and drinking places in the High Street area or to see expansions of those eating and drinking places that are already on High Street.

This proposed amendment reduces the parking standard in the High Street area from seventy-five percent (75%) of the required parking to fifty percent (50%) if the parking is open to the general public and makes the required parking for eating and drinking places in the High Street area the same as those for retail shops and services. The current citywide parking requirement for eating and drinking places is one parking space per 100 square feet of floor area. The current citywide parking requirement for retail shops and services is one space per 300 square feet of floor area. Given the availability of street parking and public parking lots, an effective standard for the High Street area of one space per 600 square feet of retail shops and restaurants would provide sufficient off-street parking and allow for the downtown to develop with a flexible mix of restaurants and retail uses. It should be noted that any reduction in parking below the citywide standard would require parking areas to be unreserved and available for all visitors to downtown. The attached ordinance shows the changes in legislative format.

The Planning Commission held a public hearing to consider this proposed amendment to the Zoning Ordinance on June 23, 2009. The commission recommended approval of the ordinance. Some additional non-substantial formatting changes have been made since the Planning Commission meeting to provide more clarity in the regulations. The City Attorney has reviewed the proposed amendment to the Zoning Ordinance in accordance with City policy.

**PROCESSING TIME LIMITS**

Since this ordinance amendment was initiated by the City, the processing time limits under the Permit Streamlining Act (Government Code Title 7, Division 1, Chapter 4.5), the Subdivision Map Act (Government Code Title 7, Division 2), and the California Environmental Quality Act Statutes and Guidelines (Public Resources Code Division 13, and California Code of Regulations, Title 14, Chapter 3) are not applicable.

**ENVIRONMENTAL DETERMINATION**

In accordance with the city's environmental review procedures adopted by resolution, the Planning 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 RECOMMENDATIONS**

1. Open the public hearing, accept public testimony and close the public hearing.
2. Introduce Ordinance No. \_\_\_\_ approving Zoning Ordinance Amendment 2009-01, for first reading, waive full reading, and schedule second reading and adoption for September 2, 2009.

**ATTACHMENT:**

1. Ordinance No. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT NO. 2009-01, AMENDING SECTION 17.32.025, HIGH STREET AREA PARKING REQUIREMENTS, OF CHAPTER 17.32, OFF-STREET PARKING, OF TITLE 17 (ZONING) OF THE MOORPARK MUNICIPAL CODE

WHEREAS, at its meeting of June 23rd, 2009, the Planning Commission conducted a duly-noticed public hearing on Zoning Ordinance Amendment No. 2009-01, amending Section 17.32.025 High Street area parking requirements of Chapter 17.32 Off-street parking of Title 17 (Zoning) of the Moorpark Municipal Code, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and recommended approval of Zoning Ordinance Amendment No. 2009-01 to the City Council; and

WHEREAS, at its meeting of July 15, 2009, the City Council conducted a duly-noticed public hearing on Zoning Ordinance Amendment No. 2009-01, amending Section 17.32.025 High Street area parking requirements of Chapter 17.32 Off-street parking of Title 17 (Zoning) of the Moorpark Municipal Code, 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 concurs with the Planning 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 HEREBY ORDAIN AS FOLLOWS:

SECTION 1. GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY: The City Council finds the proposed amendments to Chapter 17.32, Section 17.32.025 of the Moorpark Municipal Code related to High Street area parking requirements within the city are consistent with the City of Moorpark General Plan and all adopted Specific Plans.

SECTION 2. Section 17.32.025 of the Moorpark Municipal Code related to High Street area parking is hereby amended as shown in Exhibit A.

**SECTION 3.** If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance 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 Ordinance. The City Council declares that it would have adopted this Ordinance 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.** This Ordinance shall become effective thirty (30) days after its passage and adoption.

**SECTION 5.** The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Janice S. Parvin, Mayor

\_\_\_\_\_  
Deborah S. Traffenstedt, City Clerk

Exhibit A: Zoning Ordinance Amendment No. 2009-01: Amendments to Section 17.32.025 of the Moorpark Municipal Code

**EXHIBIT A**

**17.32.025 High street area parking requirements.**

A. Commercial development on High Street is unique within the city and its parking must be addressed in a manner different than parking for other commercial development. The Downtown Specific Plan establishes standards for development which are unique to the downtown and High Street in particular. Parking in the High Street area (High Street from Moorpark Avenue on the west to Spring Road on the east and Walnut and Bard Streets from High Street to Charles Street) must meet ~~seventy-five~~ fifty percent (~~75~~50%) of the required parking pursuant to Section 17.32.020 of this chapter. In consideration of providing fewer parking spaces than required by Section 17.32.020, a percentage of the parking spaces provided as set forth below must be open and available to the general public at all times (shared parking). In addition, eating and drinking places in the High Street area shall have the same required parking as retail shops and services in the High Street area. In-lieu of meeting the required parking as stated above, the applicant may pay a fee based on the estimated value of a fully improved parking space, circulation and landscaping to reduce the required on-site parking an additional ten (10) percent to ~~fifty~~ forty percent (~~50~~40%) of the required parking pursuant to Section 17.32.020 of this chapter. The city council shall establish the fee by resolution to be used to offset a portion of the cost required to construct public parking facilities in the downtown area.

B. ~~Driveways installed on High Street must provide reciprocal vehicular access to the parking area.~~ All parking spaces provided above the ~~seventy-five~~ fifty (~~75~~50%) percent standard per subsection A above may be designated as reserved parking. Reserved spaces become reciprocal shared parking spaces after six (6:00) p.m. until two (2:00) a.m. so that those spaces are available for off-peak parking by the general public. ~~Reserved parking signs must include the time restrictions. All signing must be in conformance with Chapter 17.40 Sign Regulations.~~ Reciprocal Shared parking spaces are required in accordance with the following table.

Percentage of Parking Standard Provided	Percentage of Required Reciprocal Shared Parking
40 to 49	85
50 to 74	75
75	50

For example, if Section 17.32.020 requires one-hundred (100) parking spaces and ~~fifty~~ forty (~~50~~40) parking spaces are provided, then ~~thirty-eight~~ thirty-four (~~38~~34) parking spaces must be reciprocal and ~~twelve~~ six (~~12~~6) parking spaces may be reserved for exclusive use for the on-site uses of the property between two (2:00) a.m. and six (6:00) p.m.

C. Reserved parking signs are required for all reserved spaces. These signs must include the time restrictions. All signing must be in conformance with Chapter 17.40 Sign Regulations.

D. Properties with one or more driveways providing direct access to public streets in the High Street area as described in subsection A above must provide reciprocal vehicular access to adjacent properties and the general public to its shared parking spaces.

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E. Notwithstanding the foregoing, any property providing one-hundred (100%) percent of the parking required pursuant to Section 17.32.020 is exempt from the shared parking and shared access requirements set forth herein.