

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director 

DATE: March 13, 2013 (CC Meeting of 3/20/2013)

SUBJECT: Consider Resolution Adopting an Amended Procedure for the Pre-Screening of General Plan Amendments and Rescinding Resolution No. 2008-2672

BACKGROUND/DISCUSSION

At a February 27, 2013 special meeting, the City Council conducted a public workshop on General Plan Amendment Pre-Screening No. 2012-02, a proposal to expand the City's corporate boundaries and CURB to develop between 552 and 765 homes of various densities on a site north of Moorpark College on land currently outside the City corporate boundaries. After listening to comments and questions from the public, the Council directed staff to return with an approach for Council consideration where the application would be set for public hearing and decision by the City Council without first going to the Community and Economic Development Committee (Councilmembers Mikos and Pollock), under the current process.

Section 17.44.050(C) of the Moorpark Municipal Code calls for the review of General Plan Amendment Pre-Screening applications to follow a process established by City Council Resolution. This process was last updated on January 16, 2008 by Resolution No. 2008-2672, which adopted a General Plan Amendment Pre-Screening procedure as Exhibit A to that Resolution. Attachment 1 includes a draft resolution and exhibit to amend the General Plan Amendment Pre-Screening process to allow a Councilmember to request in writing within 30 days of the application cycle deadline that the City Council conduct a public hearing on a Pre-Screening application without review by the Community and Economic Development Committee, with such request to be considered by the City Council within 60 days of the application cycle deadline. Changes to the process are shown in legislative format. These changes also include a provision the Council decisions on these applications be made by resolution. It should be noted that Frank Foster, applicant for General Plan Amendment Pre-Screening No. 2012-02, has requested that the project application follow the established process with review by the

Community and Economic Development Committee before coming back to the City Council for a public hearing. His correspondence is included as Attachment 2.

Options for City Council consideration on this matter are as follows:

1. Leave the current process in place, and refer General Plan Amendment Pre-Screening No. 2012-02 to the Community and Economic Development Committee for a recommendation.
2. Amend the process, and allow that a Councilmember may request in writing within 30 days of the application cycle deadline that the City Council conduct a public hearing without review by the Community and Economic Development Committee. Such request will be considered by the City Council within 60 days of the application cycle deadline.

If the City Council approves Option No. 2, it is recommended that the same process be put in place for the current General Plan Amendment applications that have not been scheduled or previously reviewed by the Community and Economic Development Committee. If a Councilmember requests in writing within 30 days of adoption of the attached resolution that a General Plan Amendment Pre-Screening application in process be scheduled for public hearing before the City Council without review by the Community and Economic Development Committee, then the matter would set for Council consideration at a future meeting. This language has been included in the draft procedures. The only General Plan Amendment Pre-Screening application that has not been scheduled or previously reviewed by the Community and Economic Development Committee is General Plan Amendment Pre-Screening No. 2012-02.

One other option would be to amend the process for General Plan Amendment Pre-Screening applications only for those that involve land outside the City boundaries or Sphere of Influence, so that these applications are reviewed by the City Council as a whole without previous review by the Community and Economic Development Committee.

ENVIRONMENTAL DETERMINATION

This is not a project under the California Environmental Quality Act because the revision to the General Plan Amendment Pre-Screening procedures does not have the possibility for having any impact on the environment.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Direct staff as deemed appropriate.

ATTACHMENT:

1. Resolution No. 2013-_____.
2. Letters from Frank Foster

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, ADOPTING AN AMENDED PROCEDURE FOR THE PRE-SCREENING OF GENERAL PLAN AMENDMENTS AND RESCINDING RESOLUTION NO. 2008-2672

WHEREAS, on January 16, 2008, the City Council adopted Resolution No. 2008-2672 updating the procedures for pre-screening of general plan amendments; and

WHEREAS, at its meeting of March 20, 2013, the City Council considered an amendment to the pre-screening process for general plan amendments, which would allow a Councilmember to request that a General Plan Amendment Pre-Screening application be scheduled for public hearing before the City Council without review by the Community and Economic Development Committee and require that City Council decisions on General Plan Amendment Pre-Screening applications be made by resolution; and

WHEREAS, it is desirable to establish a procedure for pre-screening all applications for general plan amendments and to provide public notice to the adjacent properties and a public hearing in accordance with Section 17.44.070 of the Moorpark Municipal Code.

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

SECTION 1. Resolution 2008-2672 is hereby rescinded.

SECTION 2. PRE-SCREENING PROCEDURE: The City Council hereby amends the City's pre-screening procedure for the processing of general plan amendments as shown in Exhibit A, attached.

SECTION 3. CERTIFICATION OF ADOPTION: 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 March, 2013.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Attachment Exhibit A: Pre-Screening Procedures

CC ATTACHMENT 1

EXHIBIT A
GENERAL PLAN AMENDMENT PRE-SCREENING APPLICATION
REVIEW PROCEDURE

PURPOSE:

To provide a pre-screening review procedure for property owners or their agents to present information to the City Council related to proposals for amendments to the General Plan.

APPLICATION:

An application for pre-screening must be submitted to the Community Development Department on the Universal Application form along with appropriate accompanying maps and materials required by the Community Development Department and a deposit to process the application consistent with the adopted Council resolution. Application materials may be obtained from the Community Development Department, Moorpark City Hall, 799 Moorpark Avenue, Moorpark, California, 93021 or on the City's website at www.ci.moorpark.ca.us.

SUBMITTAL CYCLES:

Two application submittal cycles are established in November and May for each calendar year.

ACTION	CYCLE 1	CYCLE 2
Application Cycle Deadline (Application must be deemed complete by this date)	November 30 th	May 31 st
Community and Economic Development Committee (CEDC) Recommendation	Not later than the following March regular meeting	Not later than the following September regular meeting
City Council Public Hearing and Decision	Not later than the second regular meeting in May	Not later than the second regular meeting in November

Except as provided below, all complete pre-screening applications are reviewed by the standing City Council Community and Economic Development Committee. The Committee recommendation regarding the requested amendment shall be forwarded to the full Council for a decision on whether or not to accept an application for amendment.

A Councilmember may request in writing within 30 days of the application cycle deadline that the City Council conduct a public hearing on the General Plan Amendment Pre-Screening application without review by the Community and Economic Development Committee. Such request will be considered by the City Council within 60 days of the application cycle deadline. Any application submitted in the November 30, 2012 cycle not previously scheduled for review by the City Council Community and Economic Development Committee shall be subject to Councilmember's written request to have the City Council conduct the public hearing described below without review by

the City Council Community and Economic Development Committee, if such written request is received by April 19, 2013. Such request, if received, shall be considered by the City Council by May 20, 2013.

A duly advertised and noticed public hearing shall be held by the City Council on the pre-screening application to determine whether the Council decides to approve or deny the filing of a formal application for amendment. The City Council decision shall be made by resolution. In accordance with Section 17.44.060(D) of the Zoning Ordinance, no resubmittal of a similar application may be made for one (1) year after a denial decision.

RESIDENTIAL STRATEGIES, LLC

City of Moorpark
Attn: David Bobardt
799 Moorpark Ave.
Moorpark, CA. 93021
2-28-13

Dear David,

We appreciate the City holding the workshop last night on the Preserve at Moorpark. The community input was helpful in many ways, in particular the input from the residents on critical issues and the Council in their specific comments.

Our team discussed the process moving forward and concluded it would be in the best interest of the City and the project to stay with the established process of a hearing with the Community and Economic subcommittee of the Council followed by a full Council hearing. We respectfully request you schedule a hearing of the Community and Economic subcommittee which I understand would be sometime in the month on April.

Thank you for your assistance.



Frank Foster

CC ATTACHMENT 2

5650 EL CAMINO REAL, SUITE 130, CARLSBAD, CA 92008

949-209-9140

FFOSTER@RESIDENTIALSTRATEGY.COM

March 13, 2013

Steve Kueny, City Manager
City of Moorpark
799 Moorpark Ave.
Moorpark, California 93021

Mr. Kueny,

The Preserve at Moorpark workshop held on February 27th was very instructive for our team and we appreciate the input from the City Council and public. Our understanding going into the workshop was that the issues surrounding the application would be addressed during entitlement with a public scoping meeting held to gather input on issues to be addressed and mitigated. It is apparent the City Council would like our team to begin work on addressing the most significant issue, traffic, prior to the decision on acceptance of the application. We also understand the City Council will decide on whether to continue with the process outlined at the February 27th council meeting or modify it to eliminate the hearing before the Community and Development Committee prior to the final hearing before the City Council. We request the City Council continue with the process decided upon at the February 27th hearing on this project and further that the hearing before the Community and Development Committee be held in late May to give us time to prepare.

Comments from both the City Council and the neighbors focused on the issue of traffic and concerns that approval of the Preserve at Moorpark would exacerbate the congestion caused by Moorpark College. It is our belief that traffic solutions do exist and that the best and perhaps only way to address them is to study the existing conditions and develop a mitigation plan based on the latest methods being employed elsewhere today. To do so, we are contracting with a well known land use, planning and traffic engineering firm to study the current circulation issues and work with us to identify potential solutions. We plan on meeting with representatives from the college and neighboring homeowners to gather input and discuss potential solutions as they surface. The traffic consultant is well aware of other properties in Southern California with similar or more difficult traffic issues and the creative solutions being implemented. If successful, and I believe we will be, the development of the Preserve at Moorpark plan will provide solutions to the existing circulation issues and relieve some of the difficulties the existing residents are encountering. It seems to be in everyone's best interest to explore solutions rather than to continue to accept current conditions in perpetuity.

During the workshop questions were raised regarding the disposition of the 3,200 acres owned by Coastline and not part of the application. Specifically, council members wanted more information on the future conveyance to a third party for conservation purposes. As I stated at the workshop, conversations with the third party are both early and confidential. That said we would like to meet with Council members to describe in more detail plans for the conveyance and the process we will follow regarding this property.

Thank you again for your input at the workshop and we will be reaching out to you in the coming weeks to schedule time to update you on our progress.

Sincerely,

Frank Foster