

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director 

DATE: November 25, 2013 (CC Meeting of 12/4/2013)

SUBJECT: Consider Resolution Amending the City's General Plan Amendment Pre-Screening Application Review Procedure and Rescinding Resolution No. 2013-3178

BACKGROUND/DISCUSSION

The City's General Plan Amendment (GPA) Pre-Screening Application Review Procedure was last amended by Resolution No. 2013-3178 on May 15, 2013. Prior to 2013, the review procedure was last comprehensively amended in 2008. The current procedure includes review and recommendation of an application by the Community and Economic Development Committee (CEDC) without any noticing requirements for their meeting, followed by a noticed public hearing and decision by the City Council. The Zoning Ordinance currently requires public hearings to be noticed by sign, newspaper publication, and mailing to property owners within 1,000 feet for the subject property.

During a recent public hearing on a GPA Pre-Screening application, the Council heard some complaints from neighboring property owners about not being notified of the CEDC meeting on the application. Staff has in the past informally notified residents that have expressed interest in a particular project of the CEDC meetings when their phone or e-mail contact information was known. This notification approach, however, does not provide for consistency in the processing of applications, and Council direction on notification of GPA Pre-Screening applications before the CEDC is needed.

The intent of having GPA Pre-Screening applications go before the CEDC (previously Affordable Housing/Community Development Committee) before consideration by the City Council was originally to allow for applications to be refined or grouped at the Council committee level before being considered by the full City Council. This working role of the committee was significant when the City received a larger number of applications. There are currently three GPA Pre-Screening applications (The Preserve

at Moorpark, Grand Moorpark, and Moorpark Property 67, LLC – James Rasmussen) pending before the CEDC, two of which (The Preserve at Moorpark and Moorpark Property 67, LLC – James Rasmussen) have been referred back to the CEDC by the City Council. The Grand Moorpark GPA Pre-Screening application, to change the planned land use of 4 acres on Los Angeles Avenue from commercial to residential, has not yet been considered by the CEDC. There is little additional available undeveloped land within the City limits for future applications.

While recognizing the need for consistency in the processing of applications, staff has concerns that on certain GPA Pre-Screening applications, there has been historically more interest by the public than on other applications, which tends to cause more work by staff at the committee level. This would be even more elevated if the GPA Pre-Screening applications before the CEDC are treated similar to public hearing items. With enhanced notification of CEDC meetings, the perceived role of the CEDC could become more that of a hearing body, rather than a working committee as originally contemplated. Although the current review procedure does not address how public participation fits in to the CEDC review, the CEDC has historically allowed for public comments on the applications. In addition, with more extensive public comment expected with enhanced notification, much of the review by the CEDC on such applications would be repeated at the public hearing before the City Council, creating a duplicative process. Options to provide consistency in the processing of GPA Pre-Screening application while addressing the above concerns include: 1) sending GPA Pre-Screening applications directly to the City Council at a public hearing without committee review; 2) only seeking the recommendation of the CEDC on GPA Pre-Screening applications that are partially or totally outside the municipal boundaries; and 3) maintaining the current process with or without formal notification of CEDC meetings. In Options 2 and 3, the issue of noticing CEDC meetings needs to be addressed.

The recently updated City website allows any interested party to sign up to be notified automatically of CEDC meetings. Should the Council wish to require formal notification of the CEDC meetings, a resolution is proposed for Council consideration to amend the current procedure by requiring formal notification of CEDC meetings for GPA Pre-Screening applications. This would provide consistency in providing notice of these meetings. If formal notification of CEDC meetings is added to the review procedure, it will be used for the three GPA Pre-Screening applications pending before the CEDC as mentioned above.

One other issue of concern is the timing under which a decision to allow a General Plan Amendment application to be filed is valid. Presently, GPA Pre-Screening approvals have no expiration. Four GPA Pre-Screening applications have been approved without the filing of a complete project application following them. The John C. Chiu GPA Pre-Screening application for an apartment project on Everett Street was approved in 2004. Two GPA Pre-Screening applications, Pacific Communities for condominium and homes on Los Angeles Avenue and AB Properties North Village for single family homes north of North Hills Parkway, were both approved for the filing of a GPA application on

February 17, 2010. A fourth GPA Pre-Screening application, 1 Moorpark LLC – Ernie Mansi, for a retirement community north of Casey Road, was approved by the City Council on May 15, 2013. Applications have been submitted from John C. Chiu, Pacific Communities and 1 Moorpark LLC, but none is complete. Staff recommends that the GPA Pre-Screening Application Review Procedure be amended for any new approval to be valid for a two-year period, by which a complete application must be filed, and for Pre-Screening applications approved by the City Council prior to December 4, 2013 to be valid until December 4, 2015, by which a complete application must be filed.

The resolution attached to this report incorporates CEDC noticing requirements and a two-year time limit after Council approval of a GPA Pre-Screening application for filing a complete project application. If the City Council selects the option to take GPA Pre-Screening applications directly to the City Council (Option 1), the attached resolution could be amended at the December 4, 2013 meeting or it could be placed on the December 18, 2013 meeting agenda. This Option 1 alternative is not proposed to affect The Preserve at Moorpark or the Moorpark Property 67, LLC – James Rasmussen applications, as these applications have already been referred to the CEDC by the City Council. The Grand Moorpark application, however, would go directly to the City Council if the Option 1 review procedure is approved.

ENVIRONMENTAL DETERMINATION

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

FISCAL IMPACT

Additional noticing costs under Options 2 and 3 would be charged to the developer deposit fund for the processing of these applications. If additional noticing is required, staff would recommend evaluating whether the \$5,800.00 deposit would need to be increased.

STAFF RECOMMENDATION

Direct staff as deemed appropriate.

ATTACHMENT: Resolution No. 2013-_____.

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE CITY'S GENERAL PLAN AMENDMENT PRE-SCREENING APPLICATION REVIEW PROCEDURE AND RESCINDING RESOLUTION NO. 2013-3178

WHEREAS, at a special meeting on May 15, 2013, the City Council adopted Resolution No. 2013-3178, amending the City's General Plan Amendment Pre-Screening Application Review Procedure; and

WHEREAS, the City Council wishes to amend this procedure by requiring notification of Community and Economic Development Committee meetings consistent with the City's notification requirements for public hearings on zoning applications, and by establishing a time period for which approved General Plan Amendment Pre-Screening application approvals are valid.

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

SECTION 1. Resolution No. 2013-3178 is hereby rescinded.

SECTION 2. PRE-SCREENING PROCEDURE: The City Council hereby amends the City's General Plan Amendment Pre-Screening Application Review Procedure 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 4th day of December, 2013.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Attachment – Exhibit A Pre-Screening Procedures

CC ATTACHMENT

**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. Notice of the City Council Community and Economic Development Committee meetings for Pre-Screening applications shall be provided consistent with notification for public hearings required by Section 17.44.070 of the Municipal Code. 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 June 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.

City Council approvals of General Plan Amendment Pre-Screening applications are valid for two (2) years from the date of approval, by which a complete application for a General Plan Amendment along with all other required applications must be filed, except that City Council approvals of General Plan Amendment Pre-Screening applications approved prior to December 4, 2013 are valid to December 4, 2015, by which a complete application for a General Plan Amendment along with all other required applications must be filed.