

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director 
Prepared By: Joseph Fiss, Principal Planner

DATE: April 29, 2014 (CC Meeting of 5/21/14)

SUBJECT: Consider Resolution Authorizing the Acceptance of a General Plan Amendment Application for Review Consistent with General Plan Amendment Pre-Screening No. 2013-01 to Change the Land Use Designation on Four Acres on the North Side of Los Angeles Avenue, East of Shasta Avenue from C-2 (General Commercial) to V^H (Very High Residential Density) on the Application of Menashe Kozar (Grand Moorpark LLC) to Allow Construction of 66 Attached Residential Dwelling Units

BACKGROUND/DISCUSSION

On March 19, 2014, the Community and Economic Development Committee (CEDC) (Councilmembers Mikos and Pollock) considered General Plan Amendment (GPA) Pre-Screening Application No. 2013-01 to change the planned use on four acres on the north side of Los Angeles Avenue, east of Shasta Avenue from C-2 (General Commercial) to VH (Very High Residential Density) on the application of Menashe Kozar (Grand Moorpark LLC) to allow construction of 66 attached residential dwelling units. A copy of the Committee agenda report with analysis of this proposal is attached. The Committee recommended that the City Council allow the filing of a General Plan Amendment application on this project, provided that a development agreement be included as part of the project proposal and a commercial demand study be prepared before making a decision on the application, with the study to be partially funded by the applicant.

A Commercial Demand Study was prepared in 2003. This study was partially funded by this developer as part of the analysis for a previous General Plan Amendment Pre-Screening application for this same site requesting a change from General Commercial Uses to Very High Density Residential Uses. As discussed in the CEDC report, over the last several years, the commercial land use market for both retail and office uses

has changed dramatically, and a new study is needed before a decision should be made on changing the General Plan land use designation for this property.

As such, as part of an application, the CEDC has forwarded staff's recommendation that the applicant be required to contribute \$20,000.00 towards a commercial demand study, which would provide information that could be used to determine whether or not this property should be re-zoned for residential purposes, considering the City's future growth. Such a study is estimated by staff to cost approximately \$40,000.00. The City will front one-half of the cost and recover from others later. Additional funding of the study could be recovered from one or more other properties with the potential for General Plan Amendments from commercial to residential. These properties include a 1.6-acre property on Los Angeles Avenue between the Pacific Communities site and the gas station at Leta Yancy Road, the 7.6-acre Birkenshaw property on Moorpark Avenue, the 1.4-acre property on Los Angeles Avenue between the Ivy Lane development and the Gateway Plaza shopping center at Spring Road, and the 6.8-acre Moorpark RV Storage site on Spring Road. It would also provide useful information for the pending update of the Land Use Element of the General Plan.

FISCAL IMPACT

Staff and consultant costs related to the processing of the entitlement applications would be paid for by the developer. The City would bear some upfront costs related to the commercial demand study, but that cost should be recovered once other vacant commercial property developers seek a use other than commercial for those properties.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing; and
2. Adopt Resolution No. 2014-_____ authorizing the acceptance of a General Plan Amendment application for review.

ATTACHMENTS:

1. March 19, 2014, Community and Economic Development Committee Agenda Report (with attachments)
2. Draft Resolution

**COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE
AGENDA REPORT**

TO: Community and Economic Development Committee
(Councilmember Mikos and Councilmember Pollock)

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

DATE: March 3, 2014 (C&EDC Meeting of 3/19/2014)

SUBJECT: Consider General Plan Amendment Pre-Screening No. 2013-01; A Request from Menashe Kozar (Grand Moorpark LLC) for Authorization to File a General Plan Amendment Application to Change Four Acres on the 600 Block of Los Angeles Avenue From C-2 (General Office) to VH (Very High Residential Density) for the Construction of 66 Attached Residential Dwelling Units

BACKGROUND

Section 17.44.050 of the Municipal Code requires the pre-screening of proposed General Plan Amendments through procedures set by City Council resolution. Resolution No. 2013-3242 establishes the review procedures for General Plan Amendment Pre-Screening applications. Review and recommendation by the Community and Economic Development Committee is required prior to a public hearing before the City Council to determine whether or not a General Plan Amendment application may be accepted for processing.

On April 16, 2013, Menashe Kozar (Grand Moorpark LLC) filed a General Plan Amendment Pre-Screening application seeking authorization to file a General Plan Amendment application to change 4 acres on the 600 block of Los Angeles Avenue west of the Mission Bell Plaza shopping center from C-2 (General Office) to VH (Very High Residential Density) for the construction of 66 attached townhouse units. Proposed project amenities include a swimming pool, recreation room, and child care.

DISCUSSION

Project Setting

The site is generally flat and is unimproved. There are several trees on-site including Pepper and Palm trees. The site fronts on Los Angeles Avenue with additional street access from Everest Avenue.

Previous Applications

- On May 7, 1997, the City Council approved General Plan Amendment No. 96-2, changing the General Plan land use designation for the site from M (Medium Density Residential) to C-2 (General Commercial), along with Zone Change No. 96-1, changing the zoning of the 4.0 acre subject property from R-1-8, (Single Family Residential 8,000 Square Foot Minimum), to CO, (Commercial Office) on the application of A. Deewayne Jones, D.D.S.
- On September 17, 1997, the City Council approved Commercial Planned Development Permit No. 96-3, Tentative Parcel Map No. 5056, and Conditional Use Permit No. 96-2 for an office development on the property. Building permits were never obtained and the approvals expired.
- Grand Moorpark LLC acquired the project site and on November 30, 2001 filed General Plan Amendment Pre-Screening Application No. 2001-02 to change the land use designation of the property from General Commercial to Very-High Density Residential. The City Council denied this Pre-Screening application on December 1, 2004, finding a need to retain the site for commercial uses.
- On October 18, 2006, City Council approved Commercial Planned Development Permit No. 2005-04 to allow a construction of a 78,939 square-foot, two-story medical office building. A one-year extension was granted on December 13, 2007 and a second extension on October 8, 2008. The approval expired on October 7, 2009 as a building permit was never requested and only two one-year extensions were permitted.
- On November 5, 2008, City Council approved Tentative Tract Map (TTM) No. 5869; a request to subdivide the medical office building into condominium units for sale or lease. Because of automatic extensions granted by State legislation, TTM No. 5869 is still valid.
- On June 16, 2010, City Council approved CPD No. 2010-01 for the same medical office project approved in 2006. The approval expired on June 15, 2011 as the applicant never sought a renewal.
- A new application for the same medical office project was submitted on April 27, 2012, as CPD No. 2012-01. This project was approved by the City Council on January 16, 2013. An extension was granted on December 4, 2013, extending the validity of the approval through January 16, 2015.

General Plan Land Use Designation

GENERAL PLAN/ZONING			
Direction	General Plan	Zoning	Land Use
Site	C-2 General Commercial	CO Commercial Office	Vacant lot
North	Medium Density Residential 4 DU/Acre	R-1-8 Single Family 8,000 sq. ft. min.	Single Family Houses
South	High Density Residential 7 DU/Acre	RPD-7U Residential Planned Development 7 units per acre	Vacant lot
East	C-2 General Commercial	CPD Commercial Planned Development	Mission Bell Plaza Shopping Center
West	Medium Density Residential 4 DU/Acre	R-1-8 Single Family 8,000 sq. ft. min.	Single Family Houses

The Very High (VH) Density land use designation requested for the site would allow the applicant's proposed development of 66 residential attached townhouse units (16.5 units per acre), only with some of the units being made affordable to lower income households. This affordability would need to be guaranteed through a development agreement. A Zone Change, Residential Planned Development, and Tentative Tract Map would also be required for the development to proceed.

Evaluation Criteria

Criteria most pertinent for approval or denial of this General Plan Amendment Pre-Screening are:

- Conformity with Goals, Policies, and Implementation Strategies of the General Plan
- Potential for Compatibility with Existing and Planned Uses in the Area
- Facilitation of a Significant Contribution to the Provision of Affordable Housing
- Conformity with Other City Council Policies
- Potential to Provide Public Benefit

General Plan Goals and Policies

Goals and policies from the General Plan most pertinent to this project include:

Land Use Element

- Attain a balanced city growth pattern which includes a full mix of land uses. New development shall be orderly with respect to location, timing, and density, consistent with the provision of local public services and facilities, and compatible with the overall suburban rural community character.

- Provide a variety of housing types and opportunities for all economic segments of the community. A mix of residential densities shall be provided which accommodate the housing needs of all members of the community. Residential projects shall include variation of product types, lot sizes, and designs where feasible. Where feasible, inclusionary zoning shall be used to require that a percentage of new units are affordable to very low to moderate income households.
- Develop new residential housing, which is compatible with the character of existing neighborhoods and minimizes land use incompatibility. Infill development in existing residential neighborhoods shall be compatible with the scale and character of the surrounding neighborhood.
- Provide for new commercial development which is compatible with surrounding land uses.
- New commercial and industrial uses which will generate long-term employment opportunities and diversify the community's employment base shall be encouraged.
- Establish land uses and development intensities which are compatible with scenic and natural resources and which encourage environmental preservation.
- Enhance the physical and visual image of the community. New development shall be compatible with the scale and visual character of the surrounding neighborhood.

Housing Element

On January 15, 2014, the City Council adopted a resolution approving the adoption of the 2014-2021 Housing Element Update. The Update described the City's housing needs, resources, and constraints, and adopted a Housing Plan which sets forth the City's goals, policies, programs, and quantified objectives to address the identified housing needs in Moorpark from 2014 to 2021. Goals from the Housing Element Update most pertinent to this project include:

- Provide residential sites through land use, zoning and specific plan designations to provide a range of housing opportunities.
- Expand and protect housing opportunities for lower income households and special needs groups.

Noise Element

- Protect the public from adverse noise impacts. Incorporate noise considerations into planning decisions to prevent or minimize future land-use incompatibilities. Limit the impact of nuisance noise sources upon residential areas. Residential buildings should be located and oriented to minimize or eliminate a noise problem for a site adjacent to a highway.

Circulation Element

- New development projects shall mitigate off-site traffic impacts to the maximum extent feasible.

ANALYSIS

Under the current General Plan and Zoning Designations, this property could be developed as entitled, or a new Commercial Planned Development application could be submitted for other office development.

Prior to the December 1, 2004 denial of a General Plan Amendment Prescreening application for a similar residential project on this site, a commercial demand study was prepared to evaluate the need for commercial land within the City based on ultimate growth projections. The study at the time concluded that this site should be reserved for commercial land uses, as the amount of available commercial land was limited. The study did recognize site limitations, such as the inability to turn left into or out of the site, but concluded that it should still be designated for commercial use. The left turn limitation is in the process of being resolved, as the owner of the Mission Bell Plaza shopping center is obligated to provide a transferable access easement to the City that would allow this property access to the signalized intersection on Los Angeles Avenue at Leta Yancy Road. The City Attorney's office is working with the applicant's attorney on documents to ensure that this access is secured for the property.

The commercial land use market for both retail and office uses has changed dramatically since the preparation of this study. This is due to several factors, including a move to internet sales for certain items, and changes in retail inventory, fulfillment, and distribution, which has led to a need for less floor area on the part of many retailers. Other sectors, such as banking, are reducing their use of stand-alone sole purpose buildings. The increased use of home offices has also led to less of a need for small office space.

Although the General Plan land use designation of the site is for general commercial uses, the zoning limits the site to office uses. Office uses are allowed in all commercial zones, as well as in all industrial zones in Moorpark. It has been difficult for the property owner to find tenants needing office space located on the main commercial corridor in Moorpark and willing to wait for construction, when there is a substantial amount of already developed vacant space suitable for office use. Because of this, the applicant has not been able to justify office construction at this time.

The effect of losing additional commercial land would need to be re-analyzed if an application for a General Plan Amendment is to be accepted. As such, as part of an application, it is recommended that the applicant be required to contribute \$20,000.00 towards a commercial demand study, which would provide information that could be used to determine whether or not this property should be re-zoned for residential purposes, considering the City's future growth. Such a study is estimated by staff to cost approximately \$40,000.00, which the City will front and recover from others later. Additional funding of the study could be recovered from one or more other properties with the potential for General Plan Amendments from commercial to residential. These

properties include a 1.6-acre property on Los Angeles Avenue between the Pacific Communities site and the gas station at Leta Yancy Road, the 7.6-acre Birkenshaw property on Moorpark Avenue, the 1.4-acre property on Los Angeles Avenue between the Ivy Lane development and the Gateway Plaza shopping center at Spring Road, and the 6.8-acre Moorpark RV Storage site on Spring Road.

In order to ensure that a project involving a General Plan Amendment as proposed for this site furthers all the General Plan goals, including the provision of affordable housing, without adverse impacts and provides for predictable, consistent development, it is recommended that a development agreement be required to be processed concurrently with the applications for a General Plan Amendment, Zone Change, Residential Planned Development Permit, Tentative Tract Map, and any other necessary entitlements.

PROCESSING TIME LIMITS

Time limits have been established for the processing of development projects 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). Since this project proposal requires consideration of a General Plan Amendment, which is a legislative matter, it is not subject to processing time limits under the Permit Streamlining Act. None of the other time limits are applicable to this pre-screening application.

ENVIRONMENTAL DETERMINATION

A GPA Pre-Screening application does not involve any approval action and is therefore not subject to environmental review. Should the City Council allow the filing of a GPA application on this project, an initial study will be prepared to determine the proper environmental documentation or further studies.

STAFF RECOMMENDATION

It is recommended that the Community and Economic Development Committee recommend that the City Council authorize the filing of a General Plan Amendment application for this project, subject to a Development Agreement and a contribution of \$20,000.00 towards a commercial demand study, and that all other necessary entitlement applications be submitted concurrently.

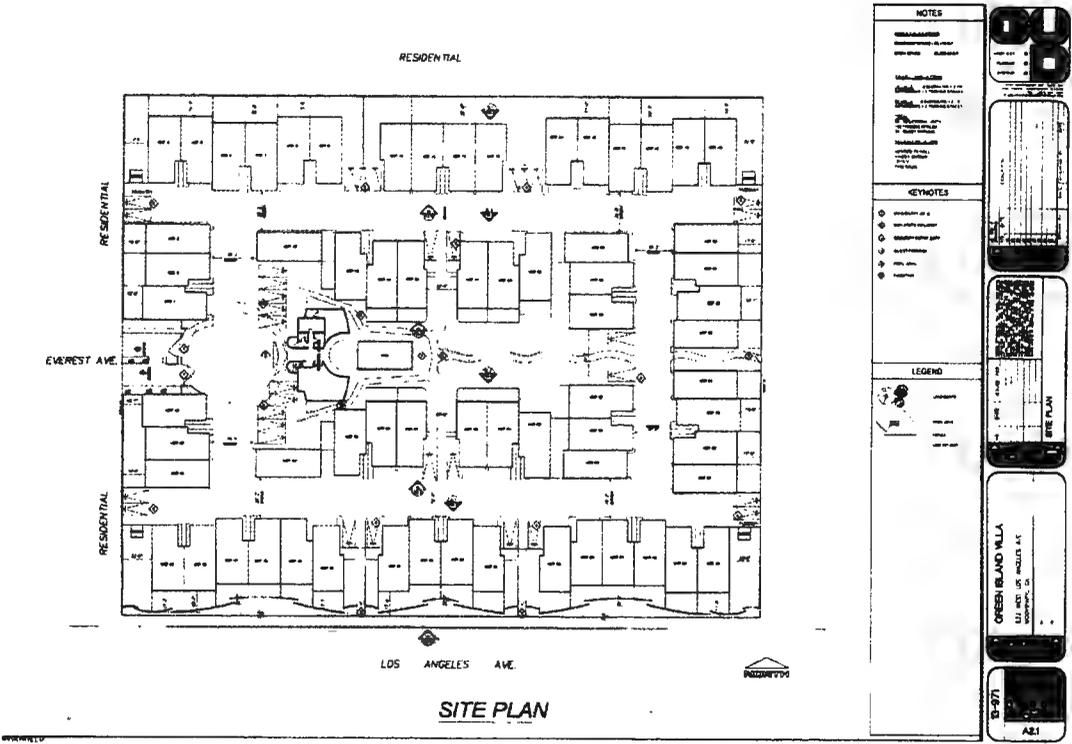
ATTACHMENTS:

1. Aerial Photograph of Project Site
2. Conceptual Site Plan



NORTH

AERIAL PHOTOGRAPH OF PROJECT SITE CEDC ATTACHMENT 1



CONCEPTUAL SITE PLAN CEDC ATTACHMENT 2

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF A GENERAL PLAN AMENDMENT APPLICATION FOR REVIEW CONSISTENT WITH GENERAL PLAN AMENDMENT PRE-SCREENING NO. 2013-01 TO CHANGE THE LAND USE DESIGNATION ON FOUR ACRES ON THE NORTH SIDE OF LOS ANGELES AVENUE, EAST OF SHASTA AVENUE FROM C-2 (GENERAL COMMERCIAL) TO VH (VERY HIGH RESIDENTIAL DENSITY) ON THE APPLICATION OF MENASHE KOZAR (GRAND MOORPARK LLC) TO ALLOW CONSTRUCTION OF 66 ATTACHED RESIDENTIAL DWELLING UNITS

WHEREAS, Section 17.44.050(C) of the Moorpark Municipal Code requires the pre-screening of General Plan Amendment applications requested by property owners before an application can be accepted for review; and

WHEREAS, Resolution No. 2013-3166 establishes the process for the review of General Plan Amendment Pre-Screening applications; and

WHEREAS, on April 16, 2013, Menashe Kozar (Grand Moorpark LLC), submitted an application for General Plan Amendment Pre-Screening No. 2013-01, requesting a change in the land use designation on four acres on the North Side of Los Angeles Avenue, East of Shasta Avenue from C-2 (General Commercial) to VH (Very High Residential Density) to allow construction of 66 Attached Residential Dwelling Units; and

WHEREAS on March 19, 2014, the Community and Economic Development Committee reviewed General Plan Amendment Pre-Screening No. 2013-01 and recommended that the City Council allow the acceptance for review of a General Plan Amendment application for this proposal; and

WHEREAS, at a duly noticed public hearing held on May 21, 2014, the City Council considered the agenda report and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony both for and against the proposal; closed the public hearing and reached a decision on this matter; and

WHEREAS, the Community Development Director has determined that action on a General Plan Amendment Pre-Screening application is not a project approval subject to the California Environmental Quality Act of 1970, as amended.

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

SECTION 1. ENVIRONMENTAL DOCUMENTATION: The City Council concurs with the determination of the Community Development Director that action on a General Plan Amendment Pre-Screening application is not a project approval subject to the California Environmental Quality Act of 1970, as amended, in that it only allows for the filing of an application for a General Plan Amendment, which is subject to review and action by the Planning Commission and City Council.

SECTION 2. AUTHORIZATION TO ACCEPT APPLICATION: Staff is hereby authorized to accept for review a General Plan Amendment application consistent with General Plan Amendment Pre-Screening No. 2013-01, provided that all other necessary entitlement applications and deposits for the proposed development project, including an application for a development agreement, and \$20,000.00 to partially fund a City-overseen Commercial Demand Study, are filed concurrently.

SECTION 3. 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 21st day of May, 2014.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk