

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** David A. Bobardt, Community Development Director  
Prepared By: Joseph Fiss, Planning Manager 

**DATE:** March 27, 2015 (CC Meeting of 4/15/2015)

**SUBJECT:** Consider Resolution Authorizing the Acceptance of a General Plan Amendment Application for Review Consistent with General Plan Amendment Pre-Screening No. 2014-01; A Request for a General Plan Amendment Pre-Screening to allow a General Plan Amendment Application to be Filed to Change the Land Use Designation from General Commercial (C-2) to Very High Residential Density (VH) for Construction of Approximately 90 Townhomes on 7.8 acres at 4875 Spring Road and 384 Los Angeles Avenue, on the Application of Mike Ashley and Don Duncan

**BACKGROUND/DISCUSSION**

On February 18, 2015, the Community and Economic Development Committee (CEDC) (Councilmembers Mikos and Pollock) considered General Plan Amendment Pre-Screening No. 2014-01; a request for a General Plan Amendment Pre-Screening to allow a General Plan Amendment application to be filed to change the land use designation from General Commercial (C-2) to Very High Residential Density (VH) for construction of approximately 90 townhomes on 7.8 acres at 4875 Spring Road and 384 Los Angeles Avenue, on the application of Mike Ashley and Don Duncan. A copy of the Committee agenda report with analysis of this proposal is attached. At the CEDC meeting, several local residents brought up concerns regarding existing traffic conditions and potential circulation impacts from this project, if the roads connect to the Ivy Lane project. If a General Plan Amendment application is allowed to be submitted for this proposal, these issues would have to be addressed during the entitlement process through a traffic study that evaluates alternative access scenarios. The Committee recommended that the City Council allow the filing of a General Plan Amendment application on this project, provided that a development agreement is 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.

As part of the City's Council's authorization for the filing of a General Plan Amendment application for the Grand Moorpark project (General Plan Amendment Pre-Screening No. 2013-01), a \$20,000.00 contribution was required for the City to update its commercial demand study, last prepared in 2004. This updated study, which as of this writing the City is in the process of soliciting proposals, is expected to cost approximately \$40,000.00. Like the Grand Moorpark project, this project proposes the conversion of land planned and zoned for commercial uses to be re-designated for residential uses. Therefore, staff is recommending that the filing of an application for this project also be subject to a \$20,000.00 contribution to the 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. In addition, a Settlement Agreement for the property at 4875 Spring Road requires a development agreement 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.

#### **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**

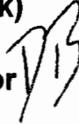
1. Open the public hearing, accept public testimony and close the public hearing; and
2. Adopt Resolution No. 2015-\_\_\_\_ authorizing the acceptance of a General Plan Amendment application for review.

#### **ATTACHMENTS:**

1. February 18, 2015, 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, Planning Manager 

**DATE:** February 5, 2015 (C&EDC Meeting of 2/18/2015)

**SUBJECT:** Consider General Plan Amendment Pre-Screening No. 2014-01; A Request for a General Plan Amendment Pre-Screening to allow a General Plan Amendment Application to be Filed to Change the Land Use Designation from General Commercial (C-2) to Very High Residential Density (VH) for Construction of Approximately 90 Townhomes on 7.8 acres at 4875 Spring Road and 384 Los Angeles Avenue, on the Application of Mike Ashley and Don Duncan.

**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 October 28, 2014, Mike Ashley and Don Duncan filed a General Plan Amendment Pre-Screening application seeking authorization to file a General Plan Amendment application to change 7.8 acres at 4875 Spring Road and 384 Los Angeles Avenue from General Commercial (C-2) to Very High Residential Density (VH) for the construction of approximately 90 attached townhouse units. Separate from the 7.8 acres proposed for a General Plan Amendment is an approximately ½-acre area on the project site within the Arroyo Simi designated as "Floodway" by the General Plan. This area is not proposed for a change in the General Plan designation as part of this project.

## **DISCUSSION**

### **Project Setting**

The project site consists of two lots described as follows.

The 6.82-acre property at 4875 Spring Road, currently used for Moorpark RV Storage, is generally flat and is mostly finished with a combination of asphalt and compacted gravel with the exception of a small front yard and a small amount of landscaping in the customer parking lot. Landscaping in the parking area is less than the 10 percent that would be required in a new development. There is one 3,250 square foot two-story administrative building and two attached shop buildings totaling 2,068 square feet on the eastern side of the site. The paved area is striped for designation of recreation vehicle storage areas. The property is surrounded by a block wall, with the exception of the western boundary, where a chain link fence exists.

The 1.43-acre property at 384 Los Angeles Avenue includes two small homes, one of which has been used as a nail salon and most recently an office use. One appears to still be used as a residence. A number of metal buildings are located in the rear of this property. These have been used in the past for storage associated with the office use as well as an unpermitted auto repair facility. These buildings were the subject of a code compliance case that had been abated several years ago. It is not clear if the buildings are currently being used for anything other than storage as they are behind a locked gate.

### **Previous Applications**

#### **4875 Spring Road**

In 1974, the Ventura County Planning Director approved DP-113 for a contractor's storage yard with a 1600 square-foot contractor's office building at 4875 Spring Road. In 1979, the Ventura County Board of Supervisors revised the land use designation of the property from Industrial to Medium Density Residential. The Ventura County Planning Commission approved a 2,184 square-foot addition to the contractor's office building in 1980. In 1992, the City rezoned the property Commercial Planned Development (CPD). In 2001, the City Council authorized the filing of a General Plan Amendment application for residential development on this property in conjunction with a residential development on the adjacent site that is currently under development by Shea Homes (Ivy Lane). The property was not acquired by the developer and a General Plan Amendment application was not submitted for this property.

On March 20, 2013, the City Council adopted Resolution No. 2013-3165, approving Conditional Use Permit (CUP) No. 2012-03 to allow an outdoor recreational vehicle storage facility at 4875 Spring Road. This Conditional Use Permit expires on February 20, 2018, with the ability to request one 5-year extension. A Settlement Agreement between the City and previous property owner was entered into at the time of the CUP approval. This Settlement Agreement, which was recorded and runs with the land, stipulates that any residential development of the property shall require a Development Agreement.

384 Los Angeles Avenue

On November 26, 2007, General Plan Amendment Pre-Screening Application No. 2007-01 was submitted by Lenny Dykstra for consideration of an amendment to change the floor area ratio for General Commercial land from 0.25 to 1.0, so that a 3-story office building could be considered on the property at 384 Los Angeles Avenue. The CEDC considered this application on January 16, 2008 and directed staff to schedule a special meeting for further discussion/action. The applicant withdrew the application prior to the subsequent meeting.

**General Plan Land Use Designation**

The Very High (VH) Density land use designation requested for the site would allow the applicant's proposed development of approximately 90 residential attached townhouse units (approximately 12 units per gross 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.

<b>GENERAL PLAN/ZONING</b>			
<b>Direction</b>	<b>General Plan</b>	<b>Zoning</b>	<b>Land Use</b>
Site	C-2 General Commercial, Floodway	CPD Commercial Planned Development	Recreational Vehicle Storage, Office, Residential, and Storage Uses, Arroyo Simi
North	Medium Density Residential 4 DU/Acre, C-2 General Commercial	R-1 Single Family, CPD Commercial Planned Development	Single Family Houses (Across Los Angeles Avenue), Gateway Plaza Offices and Restaurants
South	Low Density Residential 1 DU/Acre and Medium Low Density Residential 2 DU/Acre	RE Rural Exclusive	Single Family Houses (Across Arroyo Simi)
East	C-2 General Commercial, Floodway	CPD Commercial Planned Development	Moorpark Plaza Shopping Center and Arroyo Simi Across Spring Road
West	Very High Density Residential 15 DU/Acre	RPD-12 Residential Planned Development 12 Units Per Acre	Duplex Style Dwelling Units under Construction

**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**

As part of the City's Council's authorization for the filing of a General Plan Amendment application for the Grand Moorpark project (General Plan Amendment Pre-Screening No. 2013-01), a \$20,000.00 contribution was required for the City to update its commercial demand study, last prepared in 2004. This study is expected to cost approximately \$40,000.00. The City's Economic Development and Housing Manager is currently finalizing a scope of work for the study and should be soliciting proposals in the near future. Like the Grand Moorpark project, this project proposes the conversion of land planned and zoned for commercial uses to be re-designated for residential uses. Therefore, staff is recommending that the filing of an application for this project also be subject to a \$20,000.00 contribution to the 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.

As previously noted, the Settlement Agreement for the property at 4875 Spring Road requires a development agreement 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.

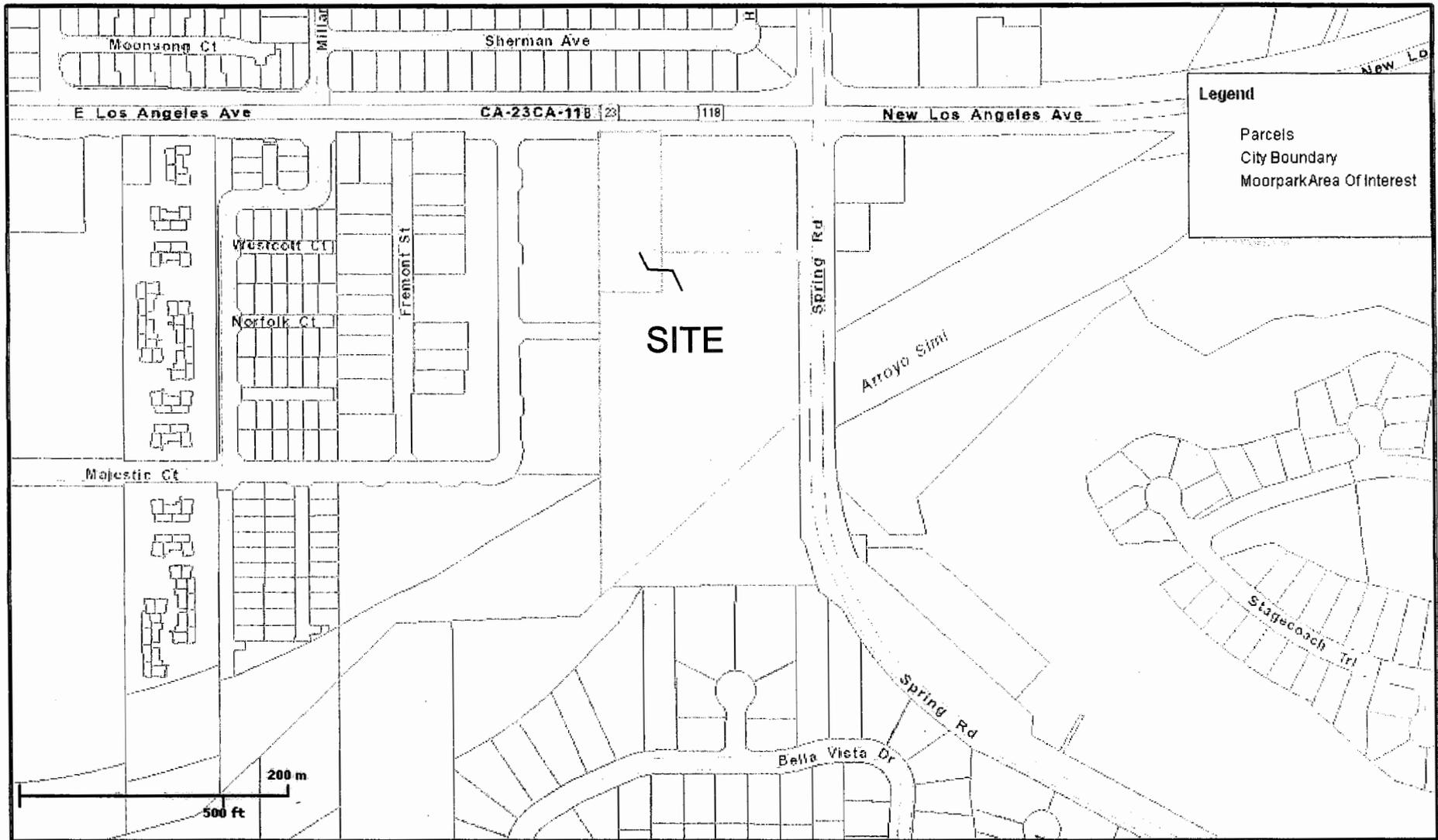
**STAFF RECOMMENDATION**

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. Location Map
2. Aerial Photograph of Project Site
3. Conceptual Site Plan Scheme 1
4. Conceptual Site Plan Scheme 2

# Location Map



<p>1" = 376 ft</p>	<p>4875 Spring Road and 384 Los Angeles Avenue</p>	<p>10/23/2014</p>		
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This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Moorpark staff for the most up-to-date information.

# Aerial Photograph

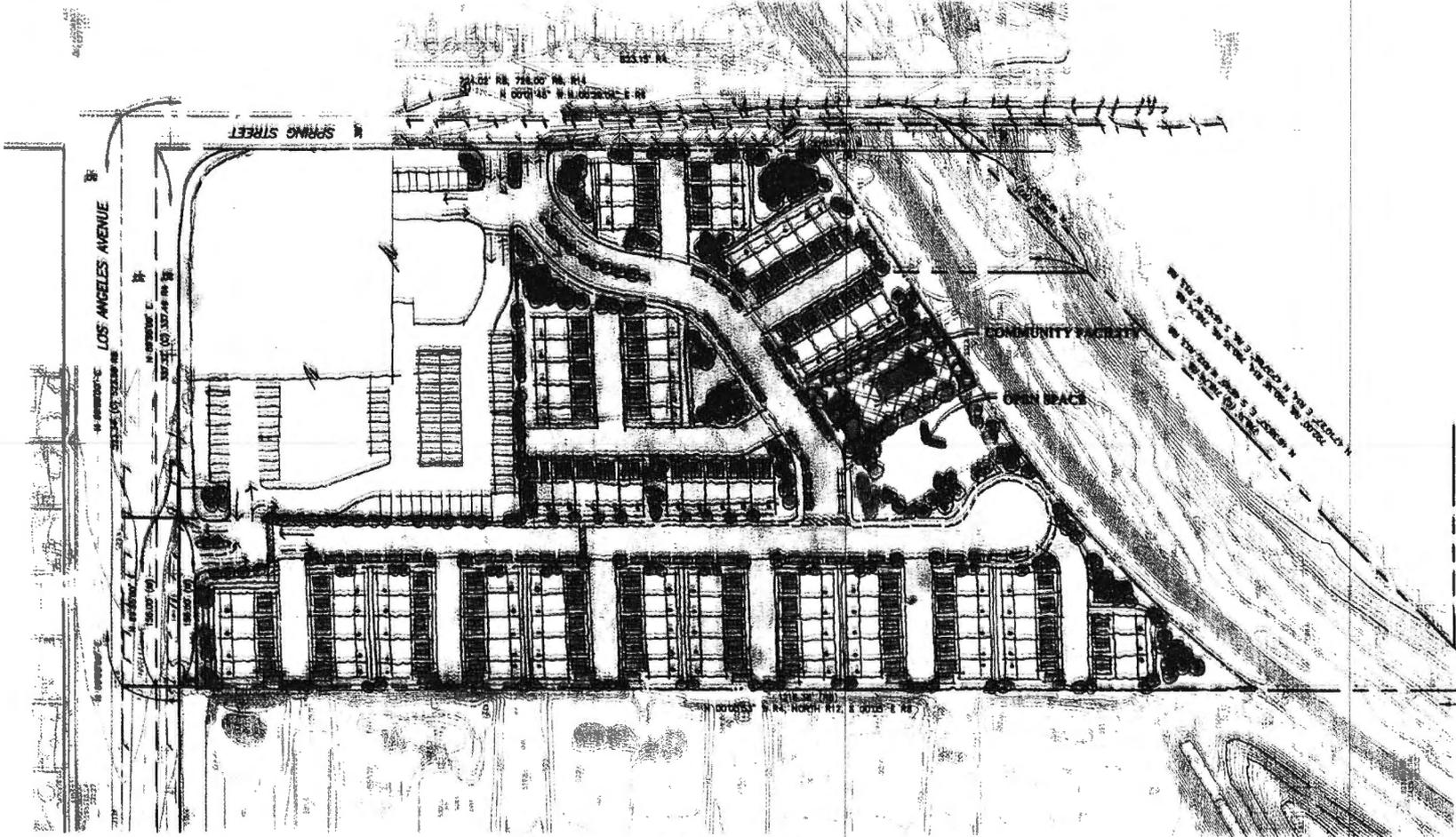


- Legend**
- Centerlines
  - Parcels
  - City Boundary
  - Moorpark Area Of Interest

<p>1" = 376 ft</p>	<p>General Plan Amendment Pre- Screen 2014-01</p>	<p>01/29/2015</p>		
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93 UNIT  
YIELD STUDY

SCHEME 2

**ROW TOWNHOUSE**

**ASHLEY CONSTRUCTION, INC.**  
MOORPARK, CALIFORNIA

Aug 27, 2014



**MUCHLA GROUP ARCHITECTURE**  
REVISED: 08/27/14  
14824

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DESIGN SUBMITTAL PHASE

RESOLUTION NO. 2015-\_\_\_\_\_

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. 2014-01; A REQUEST FOR A GENERAL PLAN AMENDMENT PRE-SCREENING TO ALLOW A GENERAL PLAN AMENDMENT APPLICATION TO BE FILED TO CHANGE THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL (C-2) TO VERY HIGH RESIDENTIAL DENSITY (VH) FOR CONSTRUCTION OF APPROXIMATELY 90 TOWNHOMES ON 7.8 ACRES AT 4875 SPRING ROAD AND 384 LOS ANGELES AVENUE, ON THE APPLICATION OF MIKE ASHLEY AND DON DUNCAN

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. 2013-3242 establishes the process for the review of General Plan Amendment Pre-Screening applications; and

WHEREAS, on October 28, 2014, Mike Ashley and Don Duncan submitted an application for General Plan Amendment Pre-Screening No. 2014-01, requesting a change in the land use designation on 7.8 acres at 4875 Spring Road and 384 Los Angeles Avenue from General Commercial (C-2) to Very High Residential Density (VH) for the construction of approximately 90 attached townhouse units; and

WHEREAS on February 18, 2015, the Community and Economic Development Committee reviewed General Plan Amendment Pre-Screening No. 2014-01 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 April 15, 2015, 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. 2014-01, 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-managed 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 15<sup>th</sup> day of April, 2015.

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

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk