

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Joseph Fiss, Planning Manager 

DATE: August 27, 2015 (CC Meeting of 9/2/2015)

SUBJECT: Consider a Resolution Approving Modification No. 2 to Industrial Planned Development (IPD) Permit No. 2000-01, for a Change in Architecture and Site Planning by Changing Two Originally Approved Unbuilt Buildings to Three Buildings of a Similar Style on the South Side of Patriot Drive, East of Miller Parkway on the Application of UST Patriot LP and Finding the Previously Adopted Environmental Impact Report Applicable

BACKGROUND

On April 16, 2015, an application was filed by Mark Ossola (for UST Patriot LP) for Modification No. 2 to Industrial Planned Development No. 2000-01, to allow a modification to a previously approved Industrial Planned Development (IPD) for a change in architecture and site planning by changing two originally approved unbuilt buildings to three buildings of a similar style and smaller total size on the south side of Patriot Drive, east of Miller Parkway.

Any proposed change that is not extensive enough to be considered a substantial or fundamental change in the approved entitlement or use relative to the permit, would not have a substantial adverse impact on surrounding properties and would not change any findings contained in the environmental documentation prepared for the permit, may be deemed a permit modification. Action on the permit modification application shall be by the decision-making body that approved the original permit by the same type of public action process and public noticing as required for the original project application. In this case, the City Council was the final decision maker for the IPD, at a noticed public hearing.

DISCUSSION

Project Setting

Existing Site Conditions:

The total project site is 33.04 acres, originally subdivided as part of Tract No. 4973. The site has been partially developed with 6 light industrial/office buildings and 1 medical office building. A 12.9-acre rough-graded site approved for a Home Depot store remains undeveloped, and the Commercial Planned Development (CPD) entitlements for that project have expired. The remaining approximately 5 acres are undeveloped, with the exception of Patriot Drive improvements, including curb cuts. State Route 23 freeway is adjacent to the eastern edge of the project area. The southern edge of the project area contains an existing slope, adjacent to natural open space.

Previous Applications:

The zoning of the property (Sub-Regional Retail/Commercial/Business Park) was previously established as part of the Amended Carlsberg Specific Plan (Specific Plan 92-1), approved on September 7, 1994, along with the certification of a subsequent Environmental Impact Report. On September 21, 1994, the City Council adopted regulations in the Zoning Ordinance for the Amended Carlsberg Specific Plan area, ensuring that future development proceeds in a coordinated manner consistent with the goals and policies of the Amended Carlsberg Specific Plan and the City of Moorpark General Plan. The standards apply to development of all residential, business park, commercial, institutional and open space areas. On December 20, 1995, the City Council approved Tentative Tract Map Nos. 4973 and 4974 consisting of large lots which define areas for development proposed for subdivision. Tract No. 4973 was for the northern portion of the Amended Carlsberg Specific Plan, including the site of this current application.

On March 19, 2003, the City Council approved IPD Permit No. 2000-01 and Tentative Tract Map No. 5226 to allow construction of 10 industrial/office buildings totaling 464,963 square feet on 8 condominium lots on 33.04 acres. Tentative Tract Map No. 5226 was a re-subdivision of Lot 4 of Tract 4973.

On August 16, 2006 the City Council approved CPD Permit No. 2005-06 to allow construction of a 106,278 square foot home improvement warehouse store and 34,760 square foot attached garden center on a 12.9-acre parcel (Lot 4 of Tract No. 5226) located at the east end of Patriot Drive. This CPD Permit approved the architecture and design to allow Home Depot within IPD Permit No. 2000-01. This CPD Permit has since expired.

On April 18, 2007, the City Council approved Modification No. 1 to Industrial Planned Development (IPD) Permit No. 2000-01 to allow a modification to the previously approved IPD for construction of approximately 302,000 square feet of industrial/office buildings within 10 buildings; incorporating the previously approved approximately 143,000 square foot Home Depot for a total of 445,000 square feet of development. Of the 10 approved buildings, 7 (6 light industrial/office buildings and 1 medical office building) have been constructed.

General Plan and Zoning Consistency:

Light industrial and office uses are allowed uses for the site under the Amended Carlsberg Specific Plan zoning classification and the Sub-Regional Retail/Commercial/Business Park (SR/C/BP) General Plan land use designation. The development of this industrial project as conditioned is consistent with this land use designation.

GENERAL PLAN/ZONING			
Direction	General Plan	Zoning	Land Use
Site	Sub-Regional Retail / Commercial / Business Park (SR/C/BP)	Specific Plan No. 92-1 (Amended Carlsberg SP)	7 of 10 office/light industrial buildings completed
North	Sub-Regional Retail / Commercial / Business Park (SR/C/BP)	Specific Plan No. 92-1 (Amended Carlsberg SP)	Moorpark Marketplace Shopping Center
South	Open Space	Specific Plan No. 92-1 (Amended Carlsberg SP)	Open Space
East	Freeway – R/W	OS – 10ac	SR-23 freeway
West	Sub-Regional Retail / Commercial / Business Park (SR/C/BP)	Specific Plan No. 92-1 (Amended Carlsberg SP)	Village at Moorpark Shopping Center

Project Summary

Approved Buildings (Mod. 1 to IPD 2000-01)	Proposed Buildings (Mod 2. to IPD 2000-01)	Approved Use	Current Status	Building Area (Sq. ft.) Approved under Mod. 1	Building Area (Sq. ft.) Proposed under Mod. 2
Bldg. A	No Change	Office	Unbuilt	43,800	No Change
Bldg. B	Bldg. B.1	Light Industrial	Unbuilt	52,356	16,170
	Bldg. B.2	Light Industrial			50,240
Bldg. C	Bldg. C	Light Industrial	Unbuilt	45,136	13,860
Bldg. D	No Change	Light Industrial	Built	16,787	No Change
Bldg. E	No Change	Office	Built	20,904	No Change
Bldg. F	No Change	Light Industrial	Built	41,280	No Change
Bldg. G	No Change	Light Industrial	Built	23,613	No Change
Bldg. H	No Change	Light Industrial	Built	17,491	No Change
Bldg. I	No Change	Light Industrial	Built	17,491	No Change
Bldg. J	No Change	Light Industrial	Built	23,613	No Change
Home Depot	No Change	Retail	Expired CPD	142,998	No Change
			TOTAL:	445,469	428,247*

* Assumes Home Depot site to be built with building of similar size as originally approved.

Proposed Project

Architecture/Building Design:

This modification would establish minor revised architectural design and control standards for three new buildings, to replace Buildings B, and C, resulting in a decrease of approximately 17,000 square feet of development from what was originally approved. The proposed buildings are proposed to be built under the same contemporary style, and are planned to be constructed of painted tilt-up concrete panels. Additional analysis for City Council review is provided in the analysis section below.

Setbacks:

Section 8119-65 of Ordinance No. 195 "Carlsberg Specific Plan Land Use Regulations" specifies the Site Development Standards including setbacks for industrial projects. Minimum required setbacks are twenty (20%) percent of lot width or depth with a minimum of thirty (30') feet for the front; fifteen (15%) percent of lot width or depth with a minimum of thirty (30') feet for the side; ten (10%) percent of lot width or depth with a minimum of thirty (30') feet for the exterior side setback; and fifteen (15%) percent of lot width or depth with a minimum of ten (10') feet for the rear setback. The proposal is consistent with these requirements.

Circulation:

Regional access is provided by the SR-23 and SR-118, with on and off-ramps located approximately one-half mile northeast of the project site at Los Angeles Avenue. Local access to the industrial park is provided by an extension of Patriot Drive, a private street located easterly of Miller Parkway. A secondary access, which connects to the Moorpark Marketplace shopping center to the north, is located on the north side of the site, between buildings "F" and "G". The intersection of Miller Parkway and Patriot Drive provides signalized access into and out of the project site. On-site circulation is discussed in the analysis section below.

Parking:

Building	Proposed Use	Spaces Required	Spaces Provided
B.1	Light Industrial (2/1000)	32.34	40.425
B.2	Light Industrial (2/1000)	100.48	125.6
C	Light Industrial (2/1000)	27.72	34.65
	Total	160.54 (161)	200.675 (201)

The applicant has proposed additional parking to allow flexibility of uses. The smaller units have been developed as a combination of office and light industrial uses.

Loading Area:

The Moorpark Municipal Code requires that every new use and every new building must have permanently maintained off-street loading and unloading spaces. Each section of the light industrial buildings has its own entrance, convenient parking, and loading doors that are positioned on elevations that do not face Patriot Drive.

Landscaping:

A landscape and irrigation plan was previously approved as part of the original IPD. Any new landscaping will have to be consistent with the existing landscaping, with the exception that it will be required to comply with new water conservation rules adopted by the State. A condition of approval has been added requiring that new landscape and irrigation plans be submitted for review and approval by the Community Development Director and Parks, Recreation, and Community Services Director.

Site Improvements and National Pollution Discharge Elimination Standards Requirements (NPDES):

The City Engineer has conditioned the project to provide for all necessary on-site and off-site storm drain improvements including the imposition of National Pollution Discharge Elimination System (NPDES) requirements. "Passive" Best Management Practices Drainage Facilities are required to be provided so that surface flows are intercepted and treated on the surface over biofilters (grassy swales), infiltration areas and other similar solutions.

ANALYSIS

Issues

Staff analysis of the proposed project has identified Architecture/Building Design and On-Site Circulation as the areas for City Council consideration.

Architecture/Building Design:

Three new buildings are proposed, to replace Buildings B, and C, resulting in a decrease of approximately 17,000 square feet of development from what was originally approved. The overall architectural style and color of the buildings will remain the same as previously approved and will be consistent with the design of the rest of the center. Overall massing of the buildings is slightly smaller due to the loss of square footage.

As with the original buildings, these three buildings are planned to be constructed of painted tilt-up concrete panels and will include identical architectural features such as reveals, cornices, wall sconces, suspended canopies, windows, stone veneers, and color combinations which serve to provide individual identity to each of the proposed buildings. The proposed colors are generally rich earth tones with neutral accents. The architecturally enhanced elevations are designed to face Patriot Drive.

The functional roof height for all buildings, not including architectural elements or parapet walls will remain consistent with the thirty-five (35') foot height limit requirements of the Carlsberg Specific Plan. As with the original approval, there are certain architectural elements and parapet walls that exceed the thirty-five (35') foot functional height limit.

The buildings are flexibly designed such that they can be easily divided to accommodate either a single or multiple users and uses. Each section of the light industrial buildings is designed to have its own entrance, convenient parking, and loading doors that are positioned on elevations that do not face Patriot Drive.

No new conditions of approval regarding architecture are necessary.

On-Site Circulation:

On site vehicular circulation is from existing driveways off of Patriot Drive, as well as between the individual lots. Reciprocal access easements and common driveways are planned with full internal circulation between lots. The buildings have been redesigned in such a manner that will take advantage of existing driveways on the south side of Patriot Drive. As with the existing developed portion of the center, these buildings are not designed to be serviced by large tractor-trailers. Truck docks are designed for access to the relatively small warehouse space by smaller delivery vehicles.

Pedestrian circulation is provided via a gently meandering sidewalk that connects the lots to each other, as well as to the shopping center to the north, and the multipurpose trail to the south.

During construction of the first phases of the Patriot Commerce Center, a trailhead was constructed at the southeast corner of Patriot Drive and Miller Parkway, connecting to the existing multipurpose trail, through dedicated open space privately owned and maintained by the property owners association that includes the Patriot Commerce Center, Moorpark Marketplace, and Village at Moorpark properties. This trail was recently restored (after a period of not being maintained) and provides access through the open space, eventually connecting to the Miller Park trail system.

No new conditions of approval regarding circulation are necessary.

Findings

Industrial Planned Development Findings:

- A. The site design, as modified by Modification No. 2 to IPD Permit No. 2000-01, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping is consistent with the provisions of the City's General Plan, the Carlsberg Specific Plan, and Title 17 of the Municipal Code in that all applicable standards of these plans and regulations would be met by the proposed development and the design of the industrial/office buildings are consistent with the Architectural Design Guidelines as outlined in the Amended Carlsberg Specific Plan.

- B. The site design, as modified by Modification No. 2 to IPD Permit No. 2000-01, would not create negative impacts on or impair the utility of the neighboring properties or uses as the proposed uses are compatible with surrounding land uses and the circulation system provides for logical connections. The project also is a substantial distance from any existing residential development.
- C. The proposed uses are compatible with the existing and permitted uses in the surrounding area as they share a similar zoning and the proposed development is consistent with criteria specified in the Amended Carlsberg Specific Plan and development requirements for office, retail, and industrial developments in applicable City Codes.

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). Under the applicable provisions of these regulations, the following timelines have been established for action on this project:

Date Application Determined Complete: May 15, 2015
Planning Commission Action Deadline:
City Council Action Deadline: November 11, 2015*

* This date reflects a 90-day extension to the deadline agreed to by the applicant.

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Community Development 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.

Based upon the results of an Initial Study, the Director may determine that a project will not have a significant effect upon the environment. In such a case, a Notice of Intent to Adopt a Negative Declaration or a Mitigated Negative Declaration is prepared. For many projects, a Negative Declaration or Mitigated Negative Declaration will prove to be sufficient environmental documentation. If the Director determines that a project has

the potential for significant adverse impacts and adequate mitigation cannot be readily identified, an Environmental Impact Report (EIR) is prepared.

This proposed industrial project is consistent with the Amended Carlsberg Specific Plan for which an EIR was certified. The proposed business park has been determined to be an allowable use within a BP zone and is consistent with the analysis of the land use and impacts in the Specific Plan EIR. The Community Development Director has concluded that the Environmental Impact Report for the Amended Carlsberg Specific Plan adequately addresses the impacts of the proposed industrial project. This conclusion is consistent with Section 15181 of the California Environmental Quality Act (CEQA) Guidelines, and no further environmental review is required.

FISCAL IMPACT

None.

NOTICING

Public Notice for this meeting was given consistent with Chapter 17.44.070 of the Zoning Ordinance as follows:

1. Publication. The notice of the public hearing was published in the Ventura County Star on August 23, 2015.
2. Mailing. The notice of the public hearing was mailed on August 21, 2015, to owners of real property, as identified on the latest adjusted Ventura County Tax Assessor Roles, within one-thousand (1,000) feet of the exterior boundaries of the assessor's parcel(s) subject to the hearing.
3. Sign. One 32 square foot sign is to be placed on the street frontage by August 22, 2015.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2015-____ approving Modification No. 2 to Industrial Planned Development No. 2000-01.

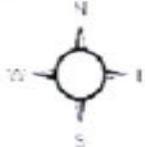
ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Project Exhibits (Under Separate Cover)
4. Draft Resolution with Conditions of Approval

Modification No. 2 to Industrial Planned Development No. 2000-01

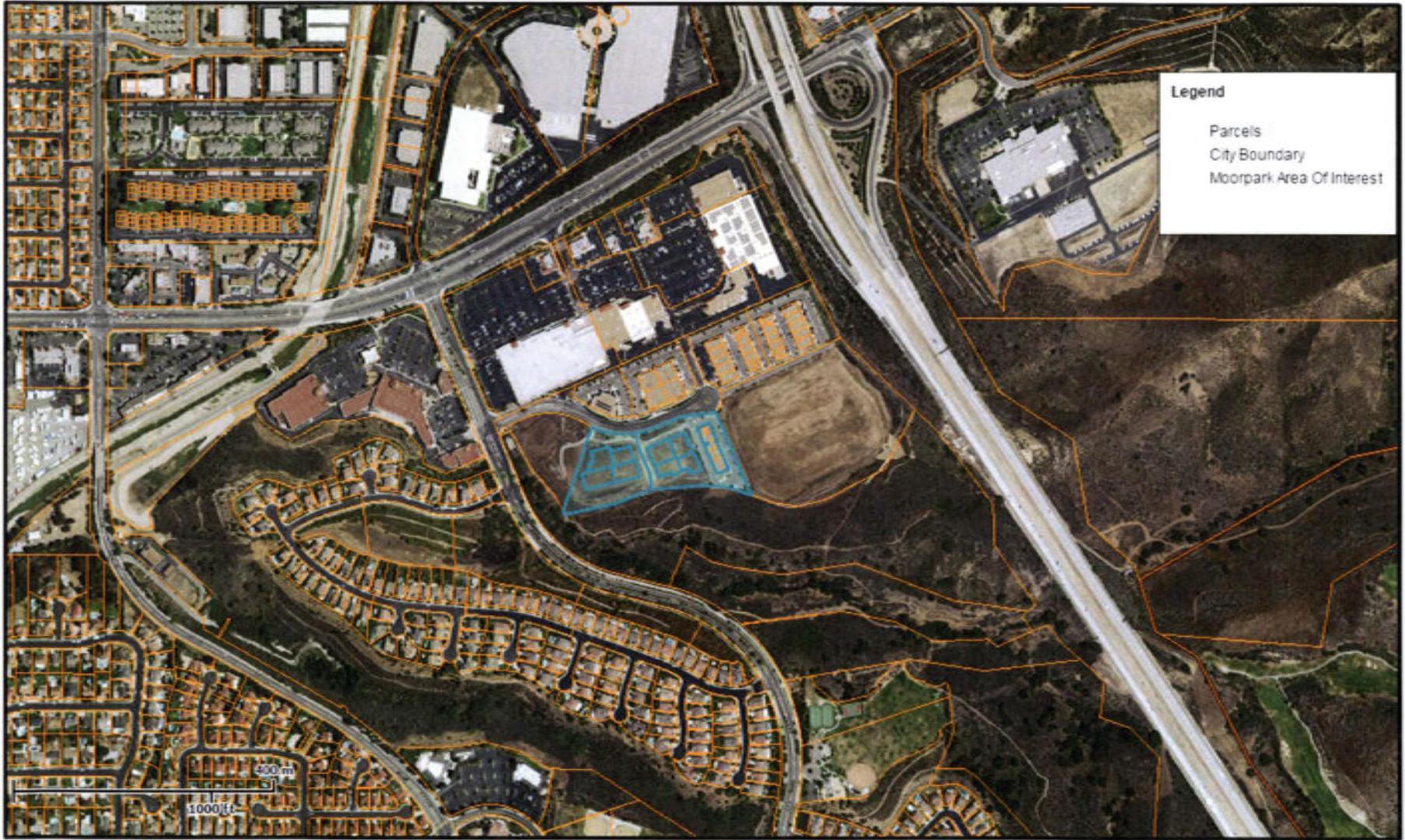
CC ATTACHMENT 1



1" = 752 ft	Location Map	08/17/2015		
<p>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.</p>				

Modification No. 2 to Industrial Planned Development No. 2000-01

CC ATTACHMENT 2



1" = 752 ft	Aerial Photograph	08/17/2015		
<p>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.</p>				

PROJECT EXHIBITS

A. PROJECT EXHIBITS

(UNDER SEPARATE COVER)

**COPIES OF THE EXHIBITS ARE AVAILABLE
ON THE CITY'S WEBSITE (www.MoorparkCA.gov)
WITH THE AGENDA REPORT**

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING MODIFICATION NO. 2 TO INDUSTRIAL PLANNED DEVELOPMENT (IPD) PERMIT NO. 2000-01, FOR A CHANGE IN ARCHITECTURE AND SITE PLANNING BY CHANGING TWO ORIGINALLY APPROVED UNBUILT BUILDINGS TO THREE BUILDINGS OF A SIMILAR STYLE ON THE SOUTH SIDE OF PATRIOT DRIVE, EAST OF MILLER PARKWAY ON THE APPLICATION OF UST PATRIOT LP AND FINDING THE PREVIOUSLY ADOPTED ENVIRONMENTAL IMPACT REPORT APPLICABLE.

WHEREAS, on April 16, 2015, an application was filed by Mark Ossola (for UST Patriot LP) for Modification No. 2 to Industrial Planned Development (IPD) Permit No. 2000-01, for a change in architecture and site planning by changing two originally approved unbuilt buildings to three buildings of a similar style and smaller total size on the south side of Patriot Drive, east of Miller Parkway; and

WHEREAS, this proposed industrial project is consistent with the Amended Carlsberg Specific Plan for which an EIR was certified. The proposed business park has been determined to be an allowable use within a BP zone and is consistent with the analysis of the land use and impacts in the Specific Plan EIR. The Community Development Director has concluded that the Environmental Impact Report for the Amended Carlsberg Specific Plan adequately addresses the impacts of the proposed industrial project. This conclusion is consistent with Section 15181 of the California Environmental Quality Act (CEQA) Guidelines, and no further environmental review is required; and

WHEREAS, at a duly noticed public hearing held on September 2, 2015, the City Council considered the agenda report for Modification No. 2 to IPD Permit No. 2000-01, 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.

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 finding of the Community Development Director that the Environmental Impact Report for the Amended Carlsberg Specific Plan adequately addresses the impacts of IPD Permit No. 2000-01 as modified by Modification No. 2. This conclusion is consistent with Section 15181 of the California Environmental Quality Act (CEQA) Guidelines, and no further environmental review is required.

SECTION 2. PLANNED DEVELOPMENT FINDINGS: Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.030:

- A. The site design as modified by Modification No. 2 to IPD Permit No. 2000-01, including structure location, size, height, setbacks, massing, scale, architectural style and colors, and landscaping is consistent with the provisions of the City's General Plan, the Carlsberg Specific Plan, and Title 17 of the Municipal Code in that all applicable standards of these plans and regulations would be met by the proposed development and the design of the industrial/office buildings are consistent with the Architectural Design Guidelines as outlined in the Amended Carlsberg Specific Plan.
- B. The site design, as modified by Modification No. 2 to IPD Permit No. 2000-01, would not create negative impacts on or impair the utility of the neighboring properties or uses as the proposed uses are compatible with surrounding land uses and the circulation system provides for logical connections. The project also is a substantial distance from any existing residential development.
- C. The proposed uses are compatible with the existing and permitted uses in the surrounding area as they share a similar zoning and the proposed development is consistent with criteria specified in the Amended Carlsberg Specific Plan and development requirements for office, retail, and industrial developments in applicable City Codes.

SECTION 3. APPROVAL OF PERMITS: Modification No. 2 to IPD Permit No. 2000-01 is hereby approved, subject to conditions of approval in Exhibit A, attached hereto and incorporated herein.

SECTION 4. 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 2nd day of September, 2015.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Special Conditions of Approval

**SPECIAL CONDITIONS OF APPROVAL FOR MODIFICATION NO. 2 TO
INDUSTRIAL PLANNED DEVELOPMENT (IPD) NO. 2000-01**

SPECIAL CONDITIONS

1. This Modification No. 2 to Industrial Planned Development (IPD) No. 2000-01 will expire one year from the date of its approval unless the use has been inaugurated by issuance of a building permit for construction. The Community Development Director may, at his/her discretion, grant up to two (2) additional one-year extensions for use inauguration of the Modification to the Planned Development Permit, if there have been no changes in the adjacent areas and if the applicant can document that he/she has diligently worked towards use inauguration during the initial period of time. The request for extension shall be made in writing, at least thirty (30) days prior to the expiration date of this Modification and shall be accompanied by applicable entitlement processing deposits.
2. The applicant's acceptance of this approval of the Modification No. 2 to Industrial Planned Development (IPD) No. 2000-01 and/or commencement of construction and/or operations under this Modification is deemed to be acceptance of all conditions of this permit, as amended by Modification No. 2. If any of the conditions or limitations of this approval are held to be invalid, that holding will not invalidate any of the remaining conditions or limitations set forth.
3. Conditions of this entitlement may not be interpreted as permitting or requiring any violation of law or any unlawful rules or regulations or orders of an authorized governmental agency.
4. The development shall be in substantial conformance with the plans presented in conjunction with the application for Modification No. 2 to Industrial Planned Development (IPD) No. 2000-01, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein.
5. All other conditions of approval for Industrial Planned Development (IPD) No. 2000-01 shall continue to apply, except as revised herein. Should there be any conflict between the conditions of this Modification No. 2 and the conditions for Industrial Planned Development (IPD) No. 2000-01, the conditions of this Modification No. 2 shall prevail.
6. The applicant shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, or employees concerning the permit, which claim, action or proceeding is brought within the time period provided by the California Code of Civil Procedure Section

1094.6 and Government Code Section 65009. The City will promptly notify the applicant of any such claim, action or proceeding, and if the City should fail to do so or should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify and hold harmless the City or its agents, officers and employees pursuant to this condition.

- a. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding, if both of the following occur:
 - i. The City bears its own attorney fees and costs;
 - ii. The City defends the claim, action or proceeding in good faith.
- b. The applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the applicant. The applicant's obligations under this condition shall apply regardless of whether a building permit is ultimately obtained, or final occupancy is ultimately granted with respect to the permit.

- 7. All necessary permits must be obtained from the Building and Safety Department and all construction shall be in compliance with the Moorpark Building Code and all other applicable regulations. Approval of a Zoning Clearance is required prior to the issuance of building permits. All other permit and fee requirements must be met.
- 8. Prior to the issuance of building permits, revised landscape and irrigation plans shall be submitted for review and approval by the Community Development Director and Parks and Recreation Director.

- END -