

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave A. Bobardt, Community Development Director
Prepared by Freddy A. Carrillo, Associate Planner I



DATE: April 14, 2016 (CC Meeting of 4/20/2016)

SUBJECT: Consider a Resolution Approving Modification No. 6 to Development Plan (DP) Permit No. 290, to Allow the Development of New Parking Spaces and New Landscaping and Lighting at 6101 Condor Drive; Making a Determination of Exemption Under CEQA in Connection Therewith, on the Application of Dave Osborn for Calabasas BCD

BACKGROUND

On January 28, 2016, an application was filed by Dave Osborn (for Calabasas BCD) for Modification No. 6 to Development Plan (DP) Permit No. 290. The applicant is requesting approval for an expansion of the parking lot for a net increase of 178 parking spaces and for new landscaping and lighting at 6101 Condor Drive. The property currently has 692 parking spaces and 6 motorcycle spaces; however, 60 spaces would be removed to accommodate 238 new parking spaces. This would bring a total of 876 parking spaces to the site. Landscape improvements and new lighting poles are also proposed as part of this permit.

The office building on the site is currently occupied by PennyMac Loan Services, LLC. The tenant is requesting additional parking spaces for its employees. Many employees are currently parking improperly on driveways, across the street in the former Kavlico parking lot, and on Condor Drive.

DISCUSSION

Project Setting

Existing Site Conditions:

The property is approximately 16.08 acres and is located on the south east corner of Princeton Avenue and Condor Drive. The developed area sits on top of a slope that slopes down at the southern edge of the property. An approximately 140,544 square-foot two-story office building is located on east side of the site. Access to the property is located on the north side of the property and on the east side of the property. The applicant is proposing 238 new parking spaces divided in three different locations: 195 spaces will be developed on south side of the existing parking lot, 6 spaces will be located east of the shower facility, and 31 spaces will be located south of the office building. The applicant will also be removing and replacing 6 parking spaces that meet Americans Disabilities Act (ADA) accessible parking requirements.

Previous Applications:

On June 27, 1983, the Planning Director for Ventura County approved Development Plan No. 290, for the construction of a 134,400 square-foot industrial/office building with 708 parking spaces and an outdoor jogging track, volleyball court, and patio area.

On December 11, 1985, the Community Development Director of Moorpark approved Minor Modification No. 2 to Development Permit No. 290, to allow a revision of a recreational area to include softball field, basketball court, and a 1,352 square-foot shower facility. However, only the softball field, basketball court and shower facility were built.

On June 26, 1991, the City Council adopted Resolution No. 91-770, which approved Industrial Planned Development No. 90-15, for the construction and operation of a 176,000 square-foot building for administration and research and development purposes. The building was never built and the permit has now expired.

On May 15, 2013, the City Council adopted Resolution No. 2013-3188, which approved revised parking restrictions on Condor Drive allowing on street parking for approximately 80-90 vehicles on the westerly and southerly sides of Condor Drive as it curves around the eastern boundary of this site, during the hours of 5:00 a.m. to 10:00 p.m. to accommodate the parking needs of PennyMac.

On September 4, 2013, the City Council adopted Resolution 2013-3220, which approved parking restrictions on Condor Drive be revised further to provide a "No Stopping Anytime" zone immediately west of PennyMac's easterly driveway to allow sufficient space for vehicles to enter and exit Pennymac's easterly driveway as well as the driveway immediately opposite on the north side of Condor Drive. Prior to this, parking was not permitted on Condor Drive. If this request is approved, and the parking lot is constructed, it would be appropriate to restore the "No Stopping at Any Time"

restriction to all of Condor Drive. Staff will place this matter on a future City Council agenda after the parking lot is constructed.

GENERAL PLAN/ZONING			
Direction	General Plan	Zoning	Land Use
Site	Light Industrial	Industrial Park	Office building
North	Light Industrial	Industrial Park	Retail / warehousing
South	Light Industrial	Industrial Park	Vacant lot
East	Light Industrial	Industrial Park	Light industrial building
West	Light Industrial	Industrial Park	Light industrial building

General Plan and Zoning Consistency:

The development of parking within the proposed area to accommodate the existing office use on the subject property is consistent with the Light Industrial General Plan land use designation of the property. The development of this parking to provide parking for the office use as conditioned is consistent with the property’s Industrial Park, M-1, zoning designation.

ANALYSIS

Issues

Staff analysis of the proposed project has identified the following areas for City Council consideration.

Landscaping:

All proposed parking areas are currently covered by grass. The applicant is proposing to remove 64,650 square-feet of grass from the south side of the existing parking lot and install 4 planters with attached “finger” planters on each corner. The parking lot currently has 19 similar planters. New planters will enhance the parking lot with landscape. The applicant is also proposing to remove 9,290 square-feet of grass from the east side of the existing parking lot, which may possibly be used for electrical vehicle parking only. In addition, 1,125 square-feet of grass adjacent to the basketball court and shower facility will also be removed to accommodate more parking spaces. Both the basketball court and shower facility will remain as is. However, the softball field will be replaced with new parking. The recreational facility was originally approved by the County as part of the site plan but not as a condition of approval. The City has not required recreational facilities be part of new industrial developments, and has not approved new industrial developments with recreational facilities.

New landscaping on the outer sides of the property and within the slopes is also proposed as part of this permit. The applicant wants to remove all dead shrubs and trees and replace vegetation with drought-tolerant landscaping. The existing landscape has been poorly maintained and has declined with reduced irrigation. New landscaping will also provide adequate drainage, slope support and erosion control. To ensure landscaping is installed properly and consistent with the City's Landscape Guidelines, a special condition has been added to submit a landscape and irrigation plan to be reviewed and approved by the Parks and Recreation Director and the Community Development Director prior to issuance of a zoning clearance.

National Pollution Discharge Elimination Standards Requirements (NPDES) and Municipal Separate Storm Sewer System (MS4):

The City Engineer/Public Works Director 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) and the Municipal Separate Storm Sewer System (MS4) 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. To ensure grading is done properly, a special condition has been added to submit a grading plan, to be subject to review and approval by the City Engineer / Public Works Director prior to issuance of building permits.

Lighting:

Parking lot lighting is important for both the safety and convenience of users of any parking area. Chapter 17.30 of the Moorpark Municipal Code addresses lighting systems constructed on properties within the various zones in the city. The code states that "...lighting has both a practical and aesthetic value and is an integral portion of any development..." and that "improperly installed lighting, illegal lighting, or improperly maintained lighting, creates impacts upon astronomical resources within the community and creates conflicts and nuisance impacts upon abutting properties and is wasteful of energy resources by causing energy to be expended without producing additional useful light." To ensure proper lighting is installed, a special condition has been added requiring a lighting plan subject to review by the Community Development Director and Police Chief as part of the condition compliance process.

FINDINGS

Modification Findings per Section 17.44.100 of the Moorpark Municipal Code:

- A. The site design, as modified by Modification No. 6 to DP Permit No. 290, would not be considered a substantial or fundamental change in the approved entitlement or use relative to the permit in that development of parking spaces would not change the use as authorized by the original permit.

- B. The site design, as modified by Modification No. 6 to DP Permit No. 290, would not have a substantial adverse impact on surrounding properties in that the use does not require modification to the exterior of the approved office building, and the additional parking spaces will help to resolve current parking shortage that is impacting offsite properties.
- C. The site design, as modified by Modification No. 6 to DP Permit No. 290, would not change any findings contained in the environmental documentation prepared for the permit in that this parking lot expansion is within an existing developed property with appropriate access, parking and circulation for this proposal. No further environmental documentation is required.

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: February 26, 2016
Planning Commission Action Deadline: NA
City Council Action Deadline: May 25, 2016*

* 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.

The Community Development Director has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the Class 32 exemption under State CEQA Guidelines Section 15332 (In-Fill Development Projects) because Modification No. 6 to DP Permit No. 290 allows the development of 178 parking spaces in an existing undeveloped area and the use is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. In addition, there is no substantial evidence that the project will have a significant effect on the environment.

The project is consistent with the Class 32 (In-Fill Development Projects) exemption as follows:

- A. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, in that the development of new parking spaces will not create negative impacts on or impair the utility of the neighboring properties, structures or uses in the surrounding area as the proposed parking lot expansion is compatible in design with surrounding buildings and land uses and; the circulation system provides for logical connections between the existing parking lot located on the same property.
- B. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, in that the development area consists of 1.72 acre project site within an already developed 16.08 acre site and will be located adjacent to an existing parking lot in a developed business park.
- C. The project site has no value as habitat for endangered, rare or threatened species, in that it had been previously graded and prepared for urban development.
- D. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, in that the development of 178 parking spaces is intended to supplement the parking needs of the office building on the same property.
- E. The site can be adequately served by all required utilities and public services, in that utilities and public services exist providing service to adjacent buildings. The new parking area will be required to comply with all codes in effect at the time of construction.

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 April 8, 2016.
2. Mailing. The notice of the public hearing was mailed on April 8, 2016, 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 was placed on the street frontage on April 4, 2016.

STAFF RECOMMENDATION

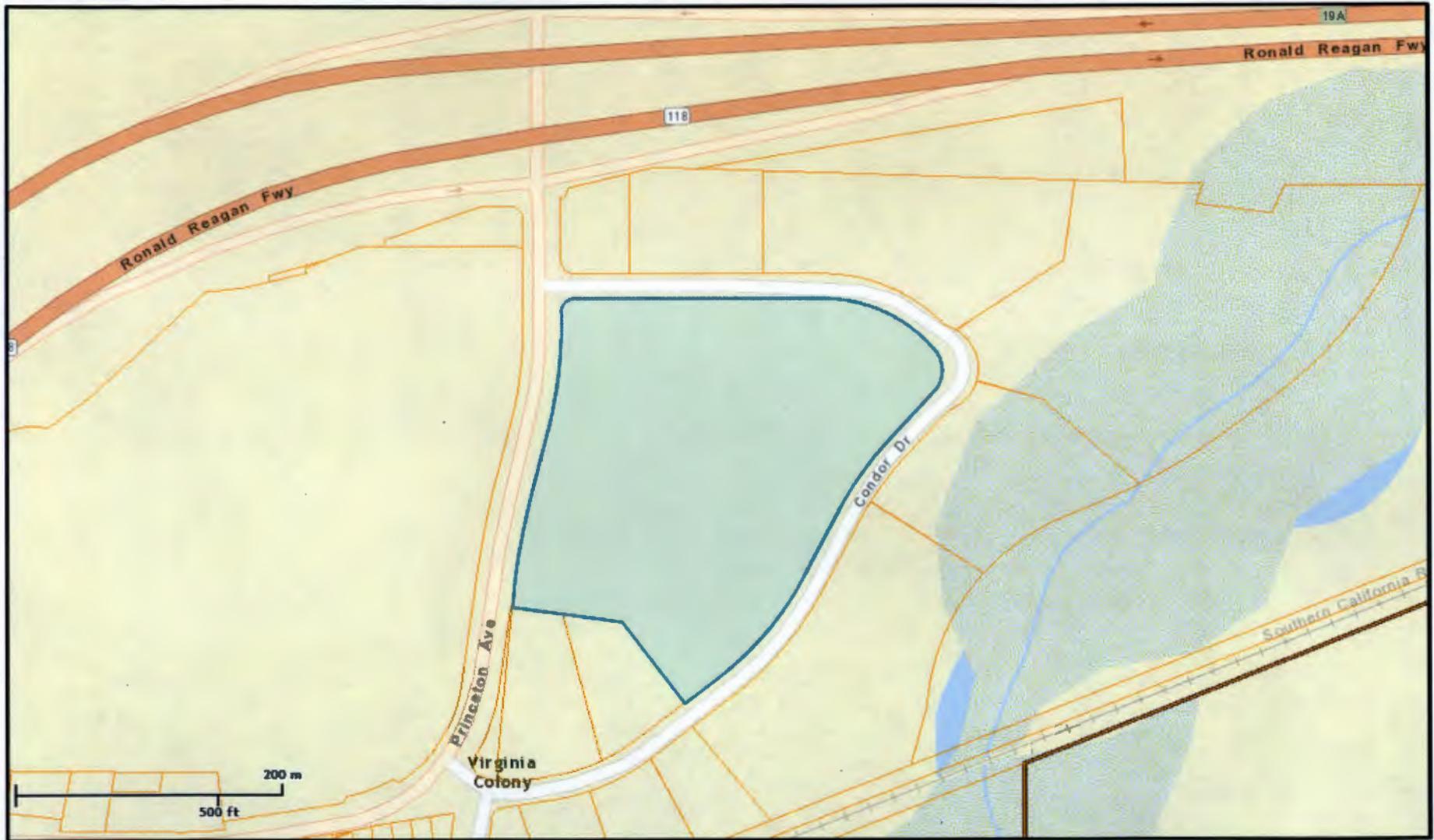
1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2016-____ approving Modification No. 6 to Development Plan Permit No. 290.
3. Direct staff upon completion of the parking lot construction per this Modification No. 6 to Development Planned Permit No. 290 to present a resolution to eliminate the parking on Condor Drive.

ATTACHMENTS:

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

Location Map - 6101 Condor Drive

CC ATTACHMENT 1

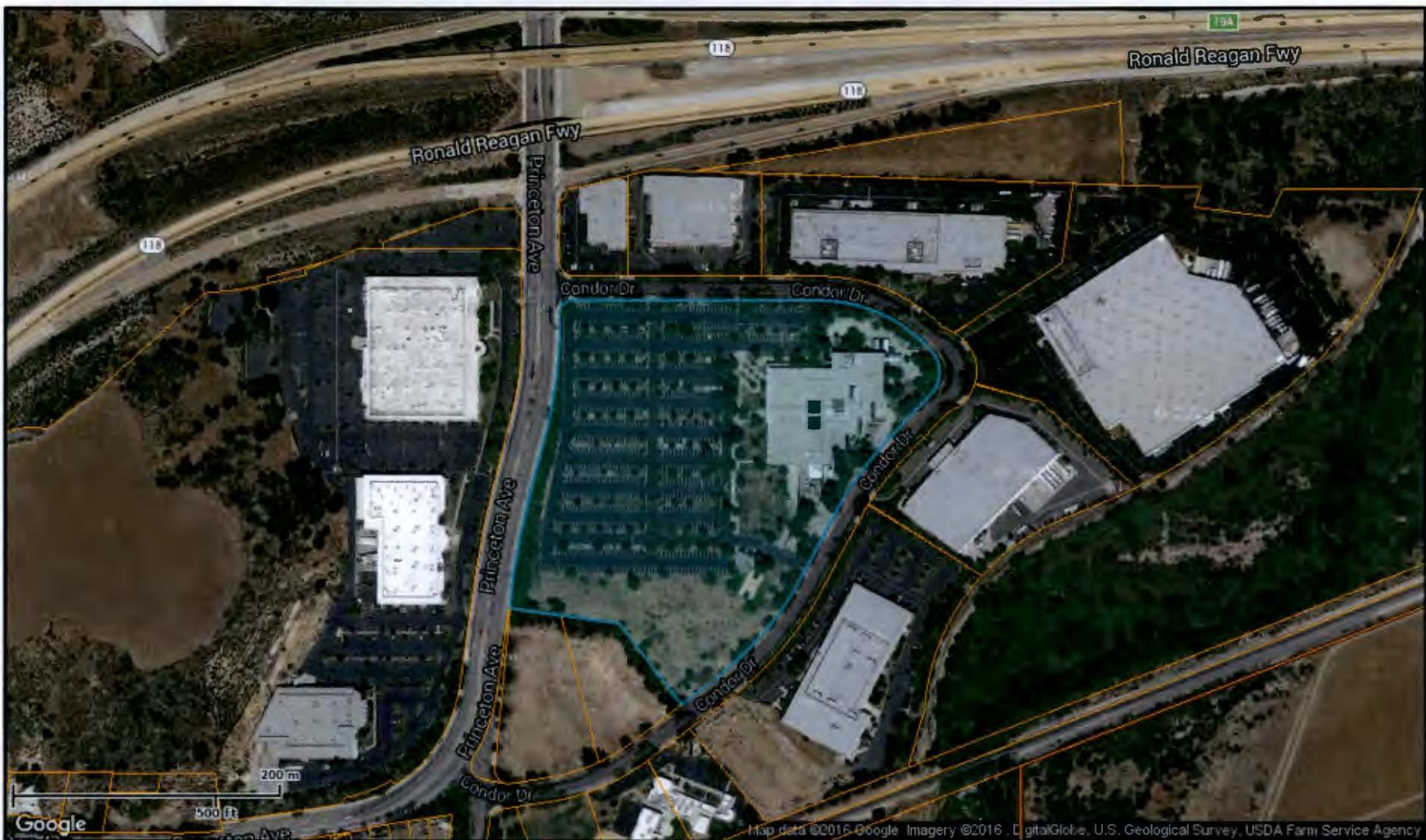


1" = 376 ft	Mod. No. 6 to DP No. 290	03/22/2016		
-------------	-----------------------------	------------	---	---

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 Map - 6101 Condor Drive

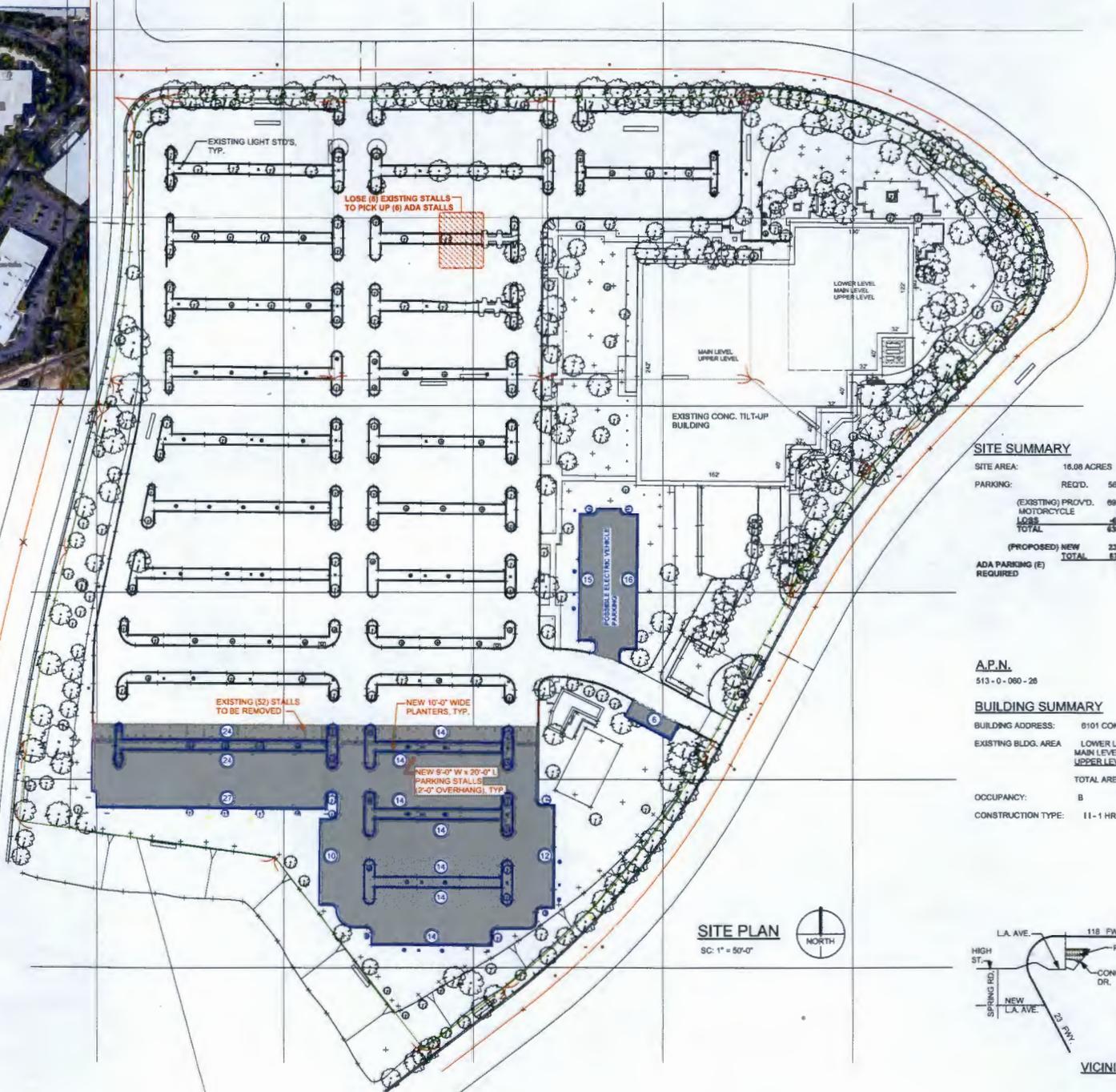
CC ATTACHMENT 2



<p>1" = 376 ft</p>	<p>Mod. No. 6 to DP No. 290</p>	<p>03/22/2016</p>		
<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>				



CC ATTACHMENT 3



SITE SUMMARY

SITE AREA:	16.06 ACRES
PARKING:	REQ'D. 562 (1:250)
(EXISTING) PROV'D.	662 (1:201)
MOTORCYCLE	5
LOSS	46
TOTAL	636
(PROPOSED) NEW	238 (238 - 60 = 178 NET GAIN)
TOTAL	874
ADA PARKING (E)	12 (FIELD VERIFY)
REQUIRED	18 (2% OF TOTAL PARKING)

A.P.N.

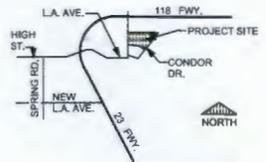
513 - 0 - 060 - 28

BUILDING SUMMARY

BUILDING ADDRESS:	0101 CONDOR DR., MOORPARK, CA
EXISTING BLDG. AREA	LOWER LEVEL: 20,234 SQ. FT. MAIN LEVEL: 61,440 SQ. FT. UPPER LEVEL: 58,890 SQ. FT. TOTAL AREA: 140,564 SQ. FT.
OCCUPANCY:	B
CONSTRUCTION TYPE:	11 - 1 HR.

SITE PLAN

SC: 1" = 50'-0"



VICINITY MAP
N.T.S.

JDO+
Associates
5376 N. Sterling Center Drive
Westlake Village, CA 91381
Phone 818. 706. 3997
Fax 818. 706. 2453

Erwin Grigorian, P.E.
C033067

PROPOSED ADDITIONAL PARKING
6101 CONDOR DRIVE, MOORPARK, CALIFORNIA
SITE PLAN

Revisions

Date	11-17-15
Job	
Drawn by	
Sheet	

SITE PLAN

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING MODIFICATION NO. 6 TO DEVELOPMENT PLANNED (DP) PERMIT NO. 290, TO ALLOW THE DEVELOPMENT OF NEW PARKING SPACES AND NEW LANDSCAPING AND LIGHTING AT 6101 CONDOR DRIVE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA IN CONNECTION THEREWITH, ON THE APPLICATION OF DAVID OSBORN ON BEHALF OF CALABASAS BCD

WHEREAS, on January 28, 2016, an application was filed by David Osborn (for Calabasas BCD) for Modification No. 6 to Development Plan (DP) Permit No. 209, for the development of new parking spaces and new landscape and lighting within an existing undeveloped area at 6101 Condor Drive; and

WHEREAS, at a duly noticed public hearing held on April 20, 2016, the City Council considered the agenda report for Modification No. 6 to DP Permit No. 290, 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.

WHEREAS, the Community Development Director's determined that this project is Categorically Exempt from the provisions of CEQA pursuant to Section 15332 (Class 32 - In-Fill Development Projects) of the California Code of Regulations (CEQA Guidelines) in that the project is consistent with the applicable general and specific plan designation and all applicable general and specific plan policies as well as with the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value, as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. No further environmental documentation is required.

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 Community Development Director's determination that this project is Categorically Exempt from the provisions of CEQA pursuant to Section 15332 (Class 32 - In-Fill Development Projects) of the California Code of Regulations (CEQA Guidelines) in that the project is consistent with the applicable general and specific plan designation and all applicable general and specific plan policies as well as with applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species;

approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. No further environmental documentation is required.

SECTION 2. MODIFICATION 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 17.44.100:

- A. The site design, as modified by Modification No. 6 to DP Permit No. 290, would not be considered a substantial or fundamental change in the approved entitlement or use relative to the permit in that development of parking spaces would not change the use as authorized by the original permit.
- B. The site design, as modified by Modification No. 6 to DP Permit No. 290, would not have a substantial adverse impact on surrounding properties in that the use does not require modification to the exterior of the approved office building, and the additional parking spaces will help to resolve current parking shortage that is impacting offsite properties.
- C. The site design, as modified by Modification No. 6 to DP Permit No. 290, would not change any findings contained in the environmental documentation prepared for the permit in that this parking lot expansion is within an existing developed property with appropriate access, parking and circulation for this proposal. No further environmental documentation is required.

SECTION 3. APPROVAL OF PERMITS: Modification No. 6 to DP Permit No. 209 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 20th day of April, 2016.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Special Conditions of Approval

**CONDITIONS OF APPROVAL FOR MODIFICATION NO. 6 TO
DEVELOPMENT PLAN (DO) PERMIT NO. 290**

STANDARD CONDITIONS OF APPROVAL

The applicant shall comply with Standard Conditions of Approval for Subdivisions and Planned Development Permits as adopted by City Council Resolution No. 2009-2799 (Exhibit A), except as modified by the following Special Conditions of Approval. In the event of conflict between a Standard and Special Condition of Approval, the Special Condition shall apply.

SPECIAL CONDITIONS OF APPROVAL

1. This Modification No. 6 to Development Plan (DP) Permit No. 290 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 Development Plan, 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. 6 to Development Plan (DP) Permit No. 209 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. 6. 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. 6 to Development Plan (DP) Permit No. 290, except any modifications as may be required to meet specific Code standards or other conditions stipulated herein.
5. All other conditions of approval for Development Plan (DP) No. 290 shall continue to apply, except as revised herein. Should there be any conflict between the conditions of this Modification No. 6 and the conditions for Development Plan (DP) No. 290, the conditions of this Modification No. 6 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, a grading plan shall be submitted for review and approval by the City Engineer / Public Works Director.
9. Prior to the issuance of a zoning clearance, a landscape and irrigation plan with drought-tolerant landscaping consistent with the City's Water Efficient Landscaping Ordinance and Landscaping Design Guidelines shall be submitted for review and approval by the Parks and Recreation Director and Community Development Director. The landscaping plan must include restoration of all slopes on the site.
10. None of the prohibited plants indicated in the Provisionally Acceptable Plant List and the Invasive and Prohibited Plant List contained in the City's Landscape Standards and Guidelines shall be used on any property within the development site, or slope area.

11. Prior to the issuance of building permits, a lighting plan shall be submitted for review and approval by the Community Development Director, and Police Chief to ensure compliance with Chapter 17.30 of the Moorpark Municipal Code.

- END -